

Authority: Toronto and East York Community Council Item 6.6, as adopted by City of Toronto Council on July 16, 17, 18 and 19, 2007, and Motion M141, moved by Councillor Vaughan, seconded by Deputy Mayor Pantalone, as adopted by City of Toronto Council on September 26 and 27, 2007
Enacted by Council: September 27, 2007

CITY OF TORONTO

BY-LAW No. 1080-2007

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 126 Simcoe Street.

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 2006 as 126 Simcoe Street; 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 pursuant to Section 37 of the *Planning Act*, the Council of the Municipality may, in a by-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond that otherwise permitted by the by-law in return for the provision of such facilities, services and 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 of matters in return for any 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 lands hereinafter referred to has elected to provide the facilities, services and matters as are hereinafter set forth; and

WHEREAS the increase in the height permitted hereunder, beyond that otherwise permitted on the lands by By-law No. 438-86, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the lands and the City of Toronto (hereinafter referred to as the "City"); and

WHEREAS the City of Toronto Official Plan contains provisions relating to the authorization of the height and density of development; and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements with the City to secure certain facilities, services and matters in return for the increases in height in connection with the aforesaid lands as permitted in this By-law;

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

1. None of the provisions of Section 2(1) with respect to the definition of *grade* and *parking space*, Sections 4(2)(a), 4(12), 4(13)(a), 4(14)(a)(ii), 4(17), 7(3) PART II 1, and 12(2)246(a)(e) and (f) of By-law No. 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 or use of a *mixed-use building* or portion of a building and uses *accessory* thereto, on the lands comprising *Parcel A* on Map 1 attached to and forming part of this By-law, provided:
 - (1) no portion of any building or structure located above *grade* on the lands identified as *Parcel A* is located otherwise than wholly within the areas delineated by heavy lines, on Map 2 attached to and forming part of this By-law;
 - (2) despite subsection (1) herein:
 - (a) eaves, cornices, balconies, landscape features, balustrades, trellises, lighting fixtures, fences, landscape planters, seating areas, wheelchair ramps, stairs, privacy screens, vents, and bollards may be located outside of the areas delineated by heavy lines on Map 2 provided they comply with the restrictions set forth in Section 7(3) Part II 7 of By law No. 438-86, as amended; and
 - (b) a rooftop architectural feature not exceeding 3 metres from the wall to which it is attached may be located outside of the areas designated by heavy lines on Map 2;
 - (3) no person shall erect or use a building or structure on the lands identified as *Parcel A* having a greater *height*, in metres or in *storeys*, than the lesser of:
 - (a) the *height* specified by the numbers following the symbol H on the attached Map 2; or
 - (b) the number of *storeys* specified by the number in brackets on the attached Map 2;
 - (4) subsection (3) herein shall not prevent the erection and use of:
 - (a) the elements identified in subsection (2) herein;
 - (b) railings provided the maximum vertical dimension of such element does not exceed 1.2 metres above the *height* limit shown on Map 2; and
 - (c) privacy screens provided the maximum vertical dimension of such element does not exceed 2.0 metres above the *height* limit shown on Map 2;

- (5) *residential amenity space* shall be provided and maintained for the shared use of the residents of both *Parcel A* and *Parcel B* in accordance with the following minimum area requirements:
- (a) not less than 1.8 m² of indoor *residential amenity space* per *dwelling unit* on *Parcel A* shall be located on *Parcel A*, all of which shall be located on the second storey in a multi-purpose room or contiguous multi-purpose rooms, at least one of which contains a kitchen and a washroom;
 - (b) not less than 1.8 m² of indoor *residential amenity space* per *dwelling unit* on *Parcel B* shall be located as follows:
 - (i) on *Parcel B*, not less than 334 m² shall be located in a multi-purpose room or contiguous multi-purpose rooms on the first floor, at least one of which contains a kitchen and a washroom, and not less than 192 m² shall be located in a multi-purpose room or contiguous multi-purpose rooms on the sixteenth floor; and
 - (ii) on *Parcel A*, 63 m² shall be located in a multi-purpose room or contiguous multi-purpose rooms on the second floor on *Parcel A*;
 - (c) not less than 519 m² of outdoor *residential amenity space* shall be located on *Parcel B*; and
 - (d) all of the indoor and outdoor *residential amenity space* provided on each of *Parcel A* and *Parcel B* shall be fully accessible to and for the shared use of all of the residents of both *Parcel A* and *Parcel B*;
- (6) the following minimum *parking space* requirements shall be provided and maintained on the lands identified as *Parcel A* and *Parcel B* for *dwelling units* located on such lands and where the calculation of the number of *parking spaces* required to be provided and maintained by this section results in a fraction of a *parking space*, if equal to or greater than 0.5, it shall be taken to be 1.0 *parking space*, and if the fraction is less than 0.5 it shall be excluded from the required number of *parking spaces*:
- (a) 0.3 parking spaces for each bachelor dwelling unit;
 - (b) 0.5 parking spaces for each one-bedroom dwelling unit;
 - (c) 0.75 parking spaces for each two-bedroom dwelling unit;
 - (d) 1.20 parking spaces for each three or more bedroom dwelling unit; and
 - (e) Residential Visitors' Parking: 0.06 parking spaces;
- for every *dwelling unit* located on *Parcel A* and *Parcel B*;

- (7) of the total number of *parking spaces* required under subsection 1(6) herein:
- (a) not less than 150 *parking spaces* shall be provided on *Parcel A* and *Parcel B* for the exclusive use of the residents of *Parcel A*;
 - (b) not less than 150 *parking spaces* shall be provided on *Parcel A* and *Parcel B* for the exclusive use of the residents of *Parcel B*; and
 - (c) all required Visitors' Parking shall be provided for the exclusive shared use of residential visitors to both *Parcel A* and *Parcel B* and shall be signed as such;
- (8) 1 *loading space – type G* shall be provided and maintained on the lands identified as *Parcel A* and *Parcel B*;
- (9) *bicycle parking spaces* shall be provided and maintained on the lands identified as *Parcel A* and *Parcel B* as follows:
- (a) not less than 113 *bicycle parking spaces-occupant* shall be provided and maintained for the occupants of *Parcel A*;
 - (b) not less than 17 *bicycle parking spaces-visitor* shall be provided and maintained for the use of residential visitors to *Parcel A* and signed as such;
 - (c) not less than 130 *bicycle parking spaces-occupant* shall be provided and maintained for the occupants of *Parcel B*; and
 - (d) not less than 32 *bicycle parking spaces-visitor* shall be provided and maintained for the use of residential visitors to *Parcel B* and signed as such;
- (10) no person shall use any land or erect or use any building or structure on *Parcel A* unless the following municipal services are provided to the property 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 in the public road, have been installed and are operational;
- (11) the owner of the lands identified as *Parcel A*, at its expense and in accordance with and subject to the agreement referred to in subsection 1(12) herein, provides the following facilities, services and matters:
- (a) on the lands identified as *Parcel A*, the provision and maintenance of knock-out panels between *dwelling units* for 50% of the units located at or

above the nineteenth floor, in order to create opportunities for housing for larger families;

- (b) on the lands identified as *Parcel A*, a minimum of 10% of all *dwelling units* at or above the nineteenth floor shall be three *bedroom dwelling units*;
 - (c) pays to the City of Toronto the sum of \$900,000 or such greater amount as required pursuant to clause (d) herein, prior to the issuance of the first building permit for *Parcel A*, to be used by the City of Toronto for the following improvements, all of which are to be determined by the appropriate City staff in consultation with the local Councillor:
 - (i) park improvements in the area of such lands, including but not limited to Grange Park; and/or
 - (ii) streetscape improvements in the area, including but not limited to, Richmond Street West between Simcoe Street and Spadina Avenue; and
 - (iii) a minimum of \$100,000 or such greater amount as may be determined pursuant to clause (d) herein shall be allocated for public housing improvements in the area; and
 - (d) the sums referred to in clauses (c) and (c)(iii) herein shall be for capital improvements and shall be indexed to the Consumer Price Index from the date of execution of the agreement under Section 37 of the *Planning Act* required by subsection 1(12) herein until the date the owner pays such sum; and
- (12) the owner of the lands identified as *Parcel A* enters into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters required in subsection 1(11) of this By-law and registers such agreement on title to the lands identified as *Parcel A*, as a first charge, and such agreement and registration to be to the satisfaction of the City of Toronto.
2. The variances granted under Committee of Adjustment file Nos. A152/00TO, A0500/02TEY, A0108/03TEY, and A0863/05TEY continue to apply to the lands identified as *Parcel B* except as otherwise provided for by this By-law.
3. 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 in the said By-law No. 438-86, as amended, except for the following:
- (1) “*grade*” means 87.845 metres Canadian Geodetic Datum;
 - (2) “*Parcel A*” and “*Parcel B*” means Parcel A, and Parcel B as shown on Map 1 attached hereto; and

- (3) “*parking space*” shall mean an unobstructed area of least 5.9 metres in length and at least 2.6 metres in width which is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle.

ENACTED AND PASSED this 27th day of September, A.D. 2007.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)



