

Authority: Toronto and East York Community Council Item 26.10,  
as adopted by City of Toronto Council on May 25 and 26, 2009  
Enacted by Council: October 1, 2009

## CITY OF TORONTO

### BY-LAW No. 970-2009

#### **To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known 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 known municipally 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 on May 25 and 26, 2009, determined to amend Zoning By-law No. 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 provision by the *owner* of the *site* of the facilities, services and matters set out in Section 12 hereof, the provisions of which shall be secured by 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 12 hereof, 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. Except as otherwise provided herein, the provisions of *By-law No. 438-86* shall continue to apply to the *site*.
4. Notwithstanding Section 7(1)(a) of *By-law No. 438-86*,
  - (a) no person shall use the *site* or erect or use a building within the *site* for any purpose except one or more of the following uses: a *mixed-use building* containing only those residential and non-residential uses permitted by Section 7(1)(a) of *By-law No. 438-86* within an RA district, and uses *accessory* thereto including an underground *parking garage* which may contain *car-share parking spaces*, a *sales office*, and
  - (b) for certainty, no person shall use the *site* or erect or use a building within the *site* for the purpose of an *entertainment facility – nightclub*.

5. The maximum combined *residential gross floor area* and *non-residential gross floor area* of all buildings or structures erected within the *site* shall not exceed 33,500 square metres, of which,
- (a) the maximum *residential gross floor area* shall not exceed 33,250 square metres, and
  - (b) the maximum *non-residential gross floor area* shall not exceed 650 square metres.
6. No part of any building or structure erected within the *site* shall be located above *grade* other than within a *building envelope*.
7. The provisions of Section 6 of this By-law do not apply to the type of structure listed in the column entitled “STRUCTURE” in the following chart, provided that the restrictions set out opposite the structure in the columns entitled “MAXIMUM PERMITTED PROJECTION” are complied with:

STRUCTURE	MAXIMUM PERMITTED PROJECTION
balconies and uncovered platforms (terraces)	Notwithstanding Section 7(3) Part II) 7 D and E of <i>By-law No. 438-86</i> , a Maximum 1.8 metre projection is permitted for balconies and uncovered platforms (terraces), provided their height is no higher than that portion of the building to which they are attached.
a canopy within the hatched area on Map 2	Notwithstanding Section 7(3) Part II) 7 G of <i>By-law No. 438-86</i> , a canopy within the hatched area on Map 2 is permitted but shall not be higher than the second floor.
Landscape elements including light standards, fences, planters, seating, benches, and bollards	Landscape elements including light standards, fences, planters, seating, benches, and bollards shall be permitted within the areas having a <i>height</i> of 0.0 as shown on Map 2.

8. Notwithstanding Sections 4(2)(a) and 12(2)246(a) and (c) of *By-law No. 438-86*,
- (a) each portion of a building or structure erected above *grade* within the *site* shall, in respect of each *building envelope* area, have a maximum *height* in metres as shown following the symbol “H” on Map 2 for the corresponding *building envelope* area, but
  - (b) the preceding subsection (a) shall not apply to those structural projections permitted to be outside a *building envelope* by Section 7 hereof, and

- (c) the preceding subsection (a) shall not apply to a mechanical penthouse located within the *building envelope* area shown having a permitted *height* of 76.8 metres on Map 2, provided that no part of the mechanical penthouse is higher than 5 metres above the permitted *height* of 76.8 metres.
9. Parking shall be provided in accordance with Section 12 (2) 246 (e) of *By-law No. 438-86*, all of which shall be located in the underground *parking garage*, however, the total number of *parking spaces* required to satisfy parking requirements for residents, but not for visitors, may be reduced, up to a maximum reduction of 20 *parking spaces*, by 5 *parking spaces* for each *car-share parking space* provided and maintained in the underground *parking garage*.
10. Notwithstanding Section 4(12) of *By-law No. 438-86*, the requirements contained therein for indoor *residential amenity space* may be satisfied in respect of the *mixed-use building* by the provision of 1.5 rather than 2.0 square metres for each *dwelling unit*.
11. For clarity, Sections 4(2)(a), 7(3) Part II 1, 12 (2) 246 (a) and (c) of *By-law No. 438-86*, shall not apply to prevent the erection and use of the *mixed-use building* otherwise permitted within the *site* by this By-law.
12. 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 Executive Director, Technical Services Division, 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,
  - (h) green development elements, as identified in the Green Development Checklist date stamped August 14, 2009, and
  - (i) notwithstanding the foregoing, the *owner* and the *City* may modify or amend the said agreement(s), from time to time and upon the consent of the *City* and the *owner*, without further amendment to those provisions of this zoning by-law which identify the facilities, services and matters to be secured.
13. 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, which for clarity shall not include any permit for demolition, excavation or shoring.
14. For the purpose of this By-law, the following expressions shall have the following meaning,
- (a) “*building envelope*” means a building envelope for each height area within the *site*, as shown by an “H” and as delineated by the lines on Map 2 attached hereto,
  - (b) “*By-law No. 438-86*” means 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 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”,
  - (c) “*car-share motor vehicle*” means 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 within the *site*,
  - (d) “*car-share parking space*” means a *parking space* used exclusively for the parking of a *car-share motor vehicle*,
  - (e) “*City*” means the City of Toronto,
  - (f) “*height*” shall mean the vertical distance between *grade* and the highest point of the building or structure, and for clarity shall include the highest point of any mechanical penthouse, elevator overruns, stairwell enclosures, or other building elements,
  - (g) “*grade*” shall mean an elevation of 83.54 m above Canadian Geodetic Datum,
  - (h) “*owner*” means the registered owner of the *site* or any part thereof,

- (i) “*sales office*” means an office located on the *site* in a temporary building, structure, facility or trailer satisfactory to the *City’s* Chief Planner used exclusively for the sale of *dwelling units* to be erected within the *site*,
- (j) “*site*” means those lands outlined by heavy lines on Map 1 attached hereto, and
- (k) each other word or expression, which 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*.

ENACTED AND PASSED this 1st day of October, A.D. 2009.

SANDRA BUSSIN,  
Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)



