

Authority: Toronto and East York Community Council Item 20.8,  
as adopted by City of Toronto Council on November 27, 28 and 29, 2012

## CITY OF TORONTO

### BY-LAW No. 634-2013

#### **To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally as 10 York Street and 120-130 Harbour 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 known municipally in the year 2012 as 10 York Street and 120-130 Harbour 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 the Council of the City of Toronto has determined to amend Zoning By-law No. 438-86, as amended, of the former 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 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 facilities, services and matters set out in Appendix 1 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* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 1 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. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the *Planning Act*, then once such agreement 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. Except as otherwise provided herein, the provisions of *By-law No. 438-86* shall continue to apply to the *site*.
5. None of the provisions of Sections 2(1) with respect to the definition of *grade*, *height*, *bicycle parking space - occupant* and *bicycle parking space - visitor*, 4(5)(a), (b), (c), (d), (e) and (f), 4(12), 4(13)(a) and (d), 8(3) Part I 1 and Part I 3(a) of *By-law No. 438-86*, shall apply to prevent the erection or use of a *mixed-use building* within the *site*, which may contain *dwelling units* and non-residential uses and *accessory* uses thereto, including a *parking garage* provided that all of the provisions of this By-law are complied with.

6. The *lot* on which the uses are located shall comprise at least the *site*.
7. The total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *site* shall not exceed 59,900 square metres.
8. The total *residential gross floor area* erected or used on the *site* shall not exceed 59,500 square metres and total *dwelling units* erected or used on the *site* shall not exceed 725.
9. The total *non-residential gross floor area* erected or used on the *site* shall have a minimum of 112 square metres.
10. At least ten per cent (10%) of all *dwelling units* erected or used on the *site* shall have three or more bedrooms.
11. No part of any building or structure erected within the *site* shall be located above *grade* otherwise than wholly within the *building envelopes* as shown on Map 2, except for the type of structures 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" and "OTHER APPLICABLE QUALIFICATIONS" are complied with:

STRUCTURE	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
A. light fixtures, cornices, sills, eaves, bay windows, mullions, ornamental or architectural elements, balustrades	1.0 metres	Provided the height of the "STRUCTURE" is no higher than that portion of the building to which it is attached
B. parapets	Maximum 1.0 metre projection	Provided the height of such "STRUCTURE" is not greater than 1.0 metres above the height limits established in this By-law
C. fences, safety railings and guardrails	No restriction	Provided the height of such "STRUCTURE" does not exceed 3.0 metres above finished ground level

STRUCTURE	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
D. stairs, stair enclosures, ramps, wheel chair ramps and/or stairs (and associated structures), underground garage ramps and their associated structures, garbage and servicing areas and their associated structures, retaining walls, air shafts, transformer vaults and elements required for the functional operation of the building	No restriction	Provided the height of such "STRUCTURE" does not exceed 2.0 metres above finished ground level
E. structures listed in Sections 14 of this By-law	No restriction	Subject to requirements of Section 14 of this By-law

12. A continuous pedestrian weather protection shall be provided along York Street with a minimum depth of 3 metres.
13. The *height* of 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 the attached Map 2 for the corresponding *building envelope* area.
14. The preceding section of this By-law does not apply to prevent the erection or use of the following structures above the *height* limits for the podium portion of the building as illustrated on Map 2:
- (a) parapets, fences, railings, balcony and terrace guards and dividers, decorative screens, privacy screens, wind screens, planters, balustrades, open air recreation, safety or wind protection purposes and window washing equipment, for unenclosed heating, ventilation, or cooling equipment such as chimneys, stacks, and flues, extending no more than 2.0 metres above the applicable *height* limit of the podium portion of the building as shown on Map 2;
  - (b) acoustical screens extending no more than 3.5 metres; and
  - (c) public art.
15. A minimum of 1,572 square metres or 2 square metres for each *dwelling unit*, whichever is greater, of indoor *residential amenity space* shall be provided in a multi-purpose room or rooms (whether or not such rooms are contiguous), at least one of which contains a kitchen and a washroom.

16. A minimum of 438 square metres or 0.6 square metres for each *dwelling unit*, whichever is greater, of outdoor *residential amenity space* shall be provided, of which at least 40 square metres shall be provided in a location adjoining or directly accessible to indoor *residential amenity space*.
17. *Parking spaces* shall be provided and maintained on the *site*, but *parking spaces* may also be located below *grade* beside the *site* in the adjacent area shown on Map 3 for the below grade off-site parking area, according to following requirements:
- (a) a maximum of 264 residential *parking spaces*; and
  - (b) a maximum of 25 visitor *parking spaces*.
18. Despite the requirement in Section 4(17) of *By-law No. 438-86*, that the minimum width of an obstructed *parking space* shall be increased by 0.3 metres for each side of the *parking space* that is obstructed, that provision shall not apply to obstructed *parking spaces* provided and maintained on the *site*, or located below *grade* beside the *site* in the adjacent area shown on Map 3 for the below grade off-site parking area.
19. Notwithstanding Section 4(8) of *By-law No. 438-86*, one (1) *loading space - Type C* will be provided in addition to one (1) *loading space - Type G*.
20. A maximum of 728 *bicycle parking spaces* shall be provided on the *site* or below *grade* beside the *site* in the adjacent area shown on Map 3 for the below grade off-site parking area.
21. *Bicycle parking space - occupant* means an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles, and:
- (a) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
  - (b) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 0.9 metres and a vertical dimension of at least 1.9 metres; and
  - (c) in the case of a bicycle rack, may either be located in a secured room or area or a unsecured room or area.
22. *Bicycle parking space - visitor* means an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles, and:
- (a) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;

- (b) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 0.9 metres and a vertical dimension of at least 1.9 metres; and
  - (c) may be located outdoors or indoors but not within a secured room, enclosure or bicycle locker.
- 23. None of the provisions of this By-law shall apply to prevent a temporary *sales office* on the *site*.
- 24. Notwithstanding any existing or future severances, partition, or division of the *site*, the provisions of this By-law shall apply to the whole of the *site* as if no severance, partition or division had occurred.
- 25. Within the *site*, no person shall use any land or erect or use 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.
- 26. 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 as shown by an "H", and as delineated by the heavy 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) "*City*" means the City of Toronto;
  - (d) "*grade*" means the Canadian Geodetic elevation of 76.6 metres;
  - (e) "*height*" means the vertical distance between *grade* and the highest point of the building or structure;
  - (f) "*owner*" means the fee simple owner(s) of the *site*;
  - (g) "*parking garage*" means a building or portion of a building, other than a *private garage*, that is used for the temporary parking of motor vehicles;

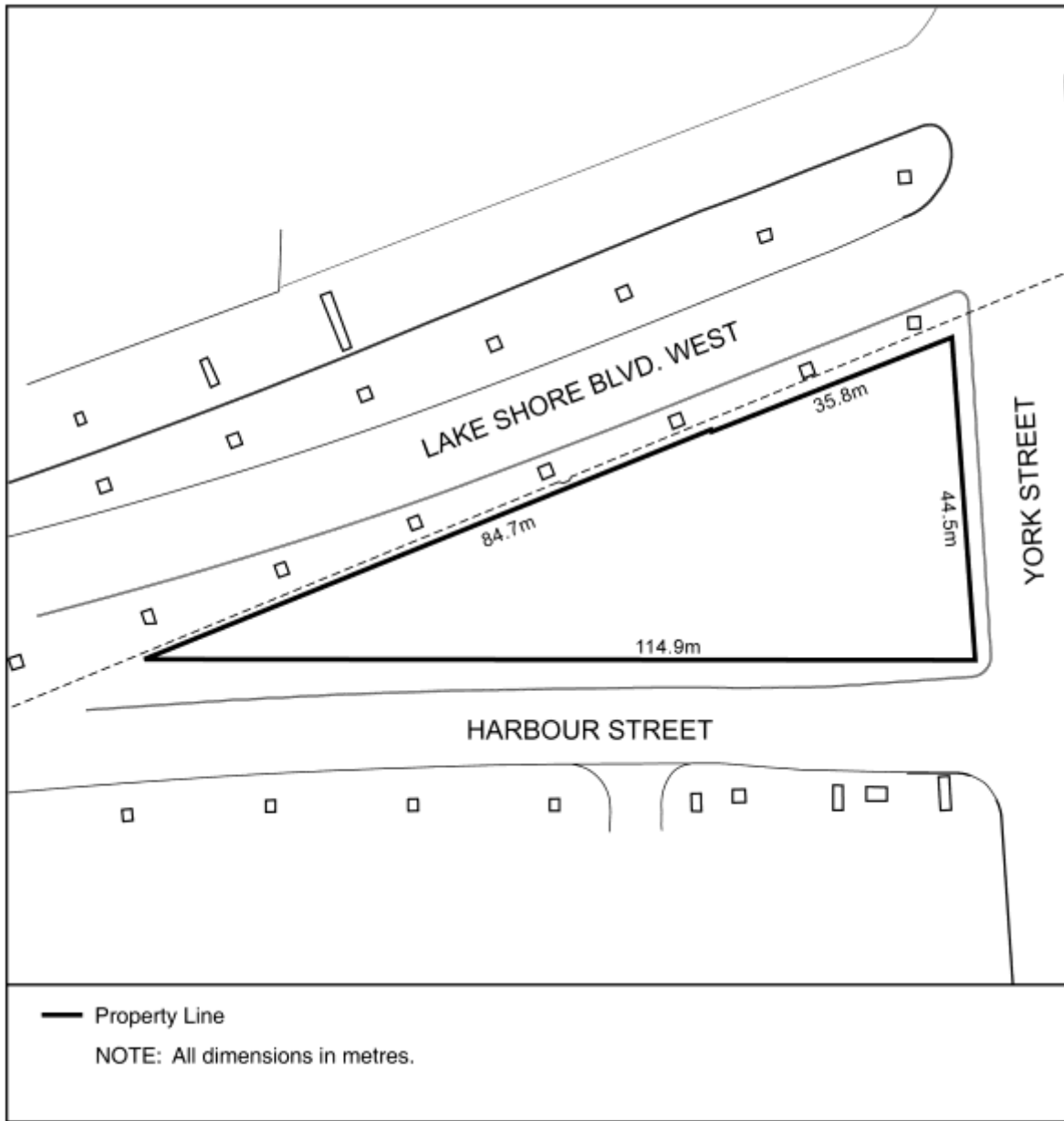
- (h) "*sales office*" means an office, or sales trailer, used exclusively for the initial sale and/or initial leasing of *dwelling units* or the non-residential uses to be erected on the *site*;
- (i) "*site*" means those lands outlined by heavy lines on Map 1 attached hereto; and
- (j) each other word 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*.

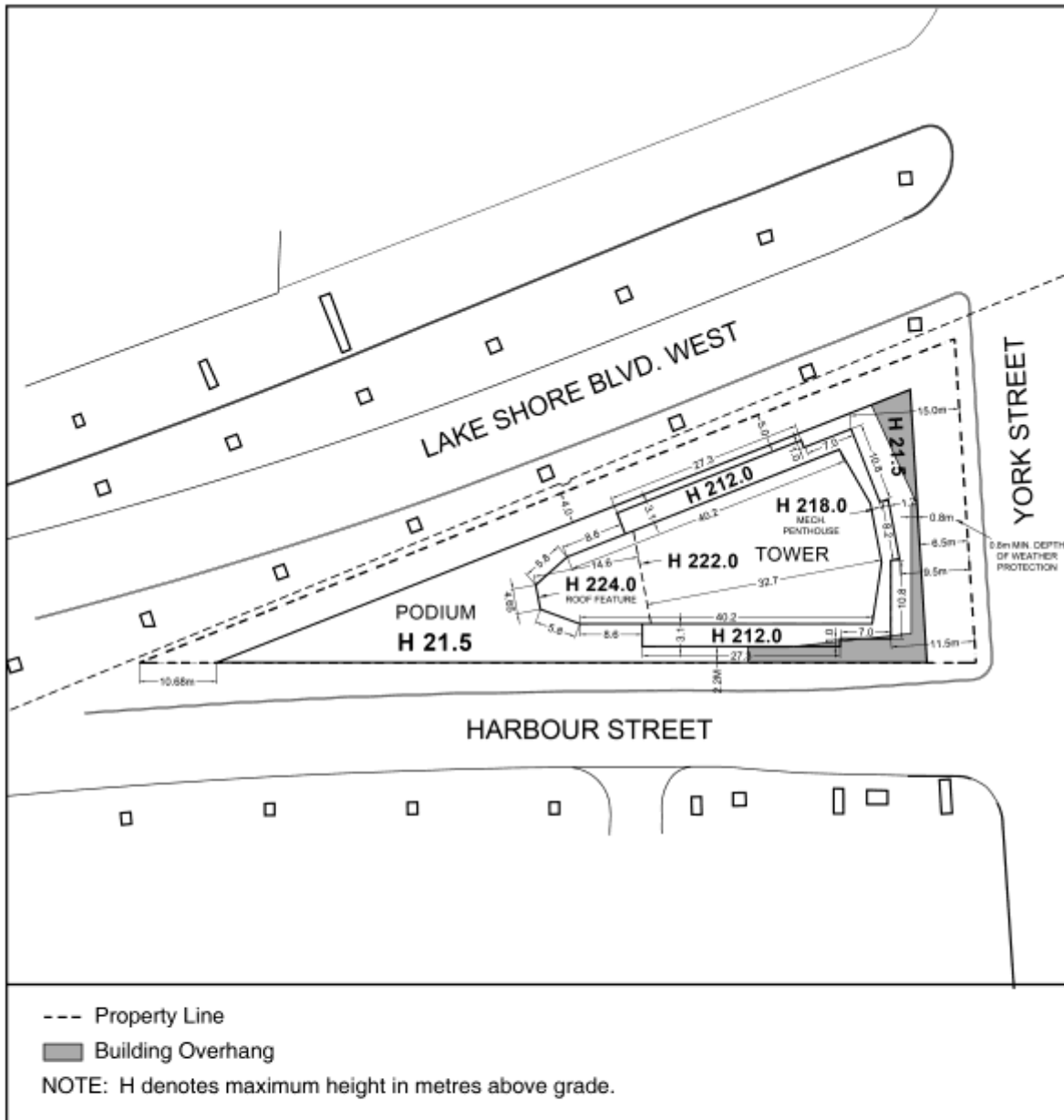
Enacted and passed on May 10, 2013.

Frances Nunziata,  
Speaker

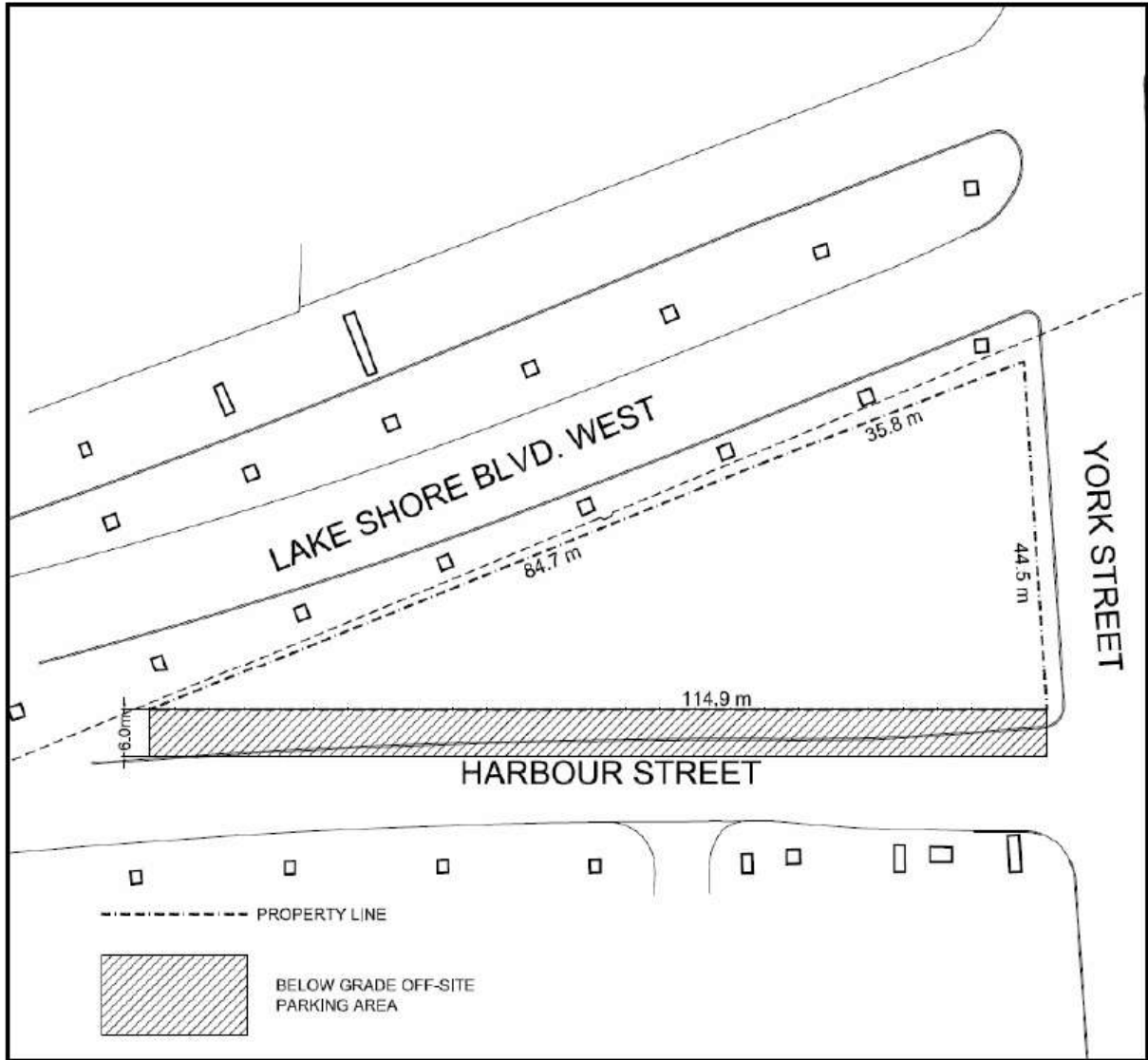
Ulli S. Watkiss,  
City Clerk

(Seal of the City)









Map 3

120 Harbour Street

File #10 \_\_\_\_\_



Not to Scale

Appendix 1

Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *site* at its expense to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for indexing escalation of all financial contributions from the passage of the zoning by-law, no credit for development charges, indemnity, insurance, HST, termination and unwinding, and registration and priority of agreement whereby the *owner* shall agree as follows:

- (a) To provide an affordable rental housing built contribution to the value of \$5,200,000.00 including:
  - i. The conveyance of twelve units within the *site* to a non-profit affordable housing provider or a co-operative affordable housing provider, selected by the *City* and/or the *City*;
  - ii. The twelve units shall comprise seven two-bedroom and five one-bedroom units, with storage lockers and bicycle parking;
  - iii. The conveyance shall be for nominal consideration (plus any applicable interim occupancy fees), with adjustments for any costs associated with those units at the time of closing to be absorbed by the *owner*;
  - iv. Provision for payment by the *owner* of the \$5,200,000.00 in the event of failure to complete the conveyances;
  - v. Provisions for appraisal upon completion of the conveyances and payment by the *owner* of any difference between the appraised value of the 12 units and the \$5,200,000.00;
  
- (b) Prior to the issuance of the first above-grade building permit, and in any event prior to the condominium registration, the *owner* shall cause the declarant of the residential condominium to enter into agreements of purchase and sale with a non-profit affordable housing provider or a co-operative affordable housing provider, selected by the *City* and/or the *City*, for the conveyance of the twelve units, with provisions for assignment and/or sale by the *City*.
  
- (c) The community benefits recommended to be secured in the Section 37 Agreement are as follows:
  - i. Affordable housing.

- (d) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
- i. At least 10% of the total number of dwelling units to be constructed on the lot shall contain at least three or more bedrooms in compliance with the provisions of the Ontario Building Code;
  - ii. Provide prior to the issuance of the first above grade building permit, a public art contribution in accordance with the Percent for Public Art Program for a value not less than one percent of the gross construction cost, of all buildings and structures on the lands to be paid at time of first building permit;
  - iii. Through the Site Plan application process the following is required:
    - a. A conveyance with a maximum width of 1.6 metres from a point 1.2 metres below finished grade, to the sky, including a daylight triangle at the southwest corner of York Street and Lake Shore Boulevard West, such lands to be free and clear of all encumbrances and subject to a right-of-way for access purposes until such time as the said lands have been laid out and dedicated for public highway purposes, all as more particularly illustrated on a dimensioned sketch to be provided to the property owner;
    - b. A further below-grade conveyance which excludes the parking garage and all associated support structure, such conveyance to have a width of approximately 4.8 metres at the east limit of the site, and extend parallel to the existing north limit of the right-of-way to bring the width of the Lake Shore Boulevard West/Gardiner Expressway public right-of-way to a minimum width of 45 metres, in accordance with the requirements of the Official Plan;
    - c. An easement with a minimum width of 5.0 metres to the full extent of the site abutting the southerly drip line or any other structural component of the Gardiner Expressway (including below grade foundation) along the F.G. Gardiner Expressway at a point 1.2 metres below finished grade, to the sky the easement to be conveyed to the City for a nominal sum as required for maintenance purposes and the possible future dismantling of the F.G. Gardiner Expressway to the satisfaction of the Executive Director of Technical Services;
    - d. Setback the project, including all ramps, driveways, bridge support columns and ventilation shafts, in order to accommodate the road widening as set out above;
    - e. Provision of continuous pedestrian weather protection abutting York Street;
    - f. Identification of any future patio space in co-ordination with the pedestrian weather protection requirements;

- g. Provide upgraded streetscape along York Street, Lake Shore Boulevard West and Harbour Street to co-ordinate and be in keeping with the York Street Promenade requirements;
- h. Provision of maintenance holes at the property line off city property for both storm and sanitary connections; and
- i. Enter into an encroachment agreement (or obtain a fee simple conveyance if permitted) for the area of the parking garage that will encroach into the Harbour Street and Lake Shore Boulevard right-of-way.