

Authority: Toronto and East York Community Council Item TE20.9, as adopted by City of Toronto Council on December 13 and 14, 2016

CITY OF TORONTO

BY-LAW 1255-2017

To amend former City of Toronto Zoning By-law 438-86, as amended, respecting lands known municipally in the year 2016 as 77 River Street and 7 Labatt 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 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. None of the provisions of Sections 4(2)(a), 4(5)(h), 4(8), 4(13), 4(16), 8(3) Part I, 8(3) Part II, 8(3) Part III, 8(3) Part XI, 9(1), 9(2) and (3), 12(2) 132 and 12(2)270 of Zoning By-law 438-86, 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 and use of a *mixed-use building* containing *residential gross floor area*, *non-residential gross floor area* on the *lot*, provided the following provisions are complied with:
 - (a) The lands subject to this by-law include those lands comprising the *lot* delineated by heavy lines on Map 1, attached to and forming part of this by-law;
 - (b) Notwithstanding the provisions of Sections 8(1) and 9(1) of By-law 438-86, only the following uses are permitted on the *lot*:

- (i) *dwelling units* in a *mixed use building*;
- (ii) retail and service shops;
- (iii) office uses;
- (iv) the premises of a *charitable institution, non-profit institution* or other community or social agency;
- (v) *place of worship*; and
- (vi) a *parking garage* and a *commercial parking garage*;

For greater certainty, the use qualifications referred to in the chart in Section 8(1) and described in Section 8(2) shall continue to apply;

- (c) The total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* shall not exceed 52,500 square metres, provided that:
 - (i) a minimum of 4,645 square metres of *non-residential gross floor area* is provided, of which a minimum of 2,320 square metres shall be used for office uses, a place of worship and/or premises of a *charitable institution, non-profit institution* or other community or social agency;
 - (ii) a maximum of 177 square metres of *non-residential gross floor area* may be used for a worship area within a *place of worship*;
 - (iii) the total *residential gross floor area* on the *lot* shall not exceed 47,855 square metres; and
 - (iv) for the purposes of this section, a *commercial parking garage* shall not be counted as *non-residential gross floor area*;
- (d) At least twenty percent (20 percent) of all *dwelling units* erected or used on the *lot* shall have two or more *bedrooms*, and at least a further ten percent (10 percent) of all *dwelling units* erected or used on the *lot* shall have three or more *bedrooms*;
- (e) No portion of any building or structure 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) bollards, terraces, patios, cornices, lighting fixtures, architectural and ornamental elements, parapets, trellises, eaves, window sills, window washing equipment, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, chimneys, stacks, vents, mechanical equipment, underground garage ramps and their associated structures, fences, screens, landscape and public art features may project beyond the heavy lines on Map 2; and

- (ii) balconies may project a maximum of 2.0 metres beyond the heavy lines on Map 2.

The exceptions noted in (i) and (ii) above shall not apply to any above *grade* building or structure that is located along the south *lot* line.

- (f) The *height* of any building or structure, or portion thereof, shall not exceed those *heights* in metres as shown on Map 2, with the exception of the following:
 - (i) bollards, bicycle racks, underground garage ramps and their associated structures, retaining walls, fencing, decks, railings, planters, window washing equipment, decorative screens, terrace and balcony guards and dividers, landscape and public art features, lighting fixtures, parapets, trellises, wheelchair ramps, solar panels, safety railings, roof access hatches, stairs, stair enclosures, elevator enclosures and overruns, pavers and green roof elements, skylights, roof assemblies including decking and pavers and structures on the roof of the building used for safety or wind protection purposes may extend above the *heights* in metres as shown on Map 2;
 - (ii) vents, stacks, pipes, lightning rods and chimneys may extend up to 2.0 metres above the *heights* in metres as shown on Map 2;
 - (iii) the number of *storeys* in the building on the *lot* shall not exceed the numbers shown following the symbol "ST" on Map 2 for the corresponding portion of the building, excluding portions of the building below *grade* and mechanical penthouses;
 - (iv) the *height* of any mechanical penthouses or rooftop mechanical equipment, or portion thereof, shall not exceed 6 metres above those *heights* in metres as shown on Map 2; and
 - (v) no part of the building from finished ground level to a *height* of 4.3 metres above *grade*, other than canopies, signage and lighting, shall be located within the hatched area shown on Map 2.
- (g) *Parking spaces* located within a *commercial parking garage* must be located below *grade*;
- (h) Notwithstanding Section 4(5)(b) of By-law 438-86, *parking spaces* shall be provided and maintained on the *lot* in accordance with the following minimum requirements:
 - (i) Non-residential

Parking spaces for the following non-residential uses shall be provided on the *lot* in accordance with the following minimum requirements:

- (A) A minimum of 1.0 *parking spaces* per 300 square metres *net floor area* for office uses, and premises of a *charitable institution, non-profit institution* or other community or social agency;
- (B) A minimum of 1.0 *parking spaces* per 100 square metres of *net floor area* for retail and service shops;
- (C) A minimum rate of 6.0 *parking spaces* for each 100 square metres of worship area within a *place of worship*. For the purposes of this calculation, the worship area shall be equal to 90% of the gross floor area within the *place of worship* that is used for the expression of worship through religious services, rites or ceremonies;
- (D) Required *parking spaces* for all other non-residential uses shall be provided in accordance with Section 4(5)(b) of By-law 438-86; and
- (E) Required *parking spaces* for non-residential uses, can be shared with other residential and non-residential uses on the *lot* as per the *parking space* occupancy rates found in Schedule 1 of Section 4(5) of By-law 438-86, and may be located as part of the *commercial parking garage*;

(ii) Residential - rental

Should the *dwelling units* within the building be held in common ownership as a purpose built rental apartment building, and the *owner* has entered into and registered on title to the *lot* the requisite agreements with the City pursuant to section 37 of the *Planning Act* and/or section 111 of the *City of Toronto Act* to secure to the satisfaction of the City the continued rental tenure of such units for a minimum period of twenty years and to prohibit conversion to condominium tenure for such period in accordance with standard City practices and policies, *parking spaces* for residents on the *lot* shall be provided and maintained in accordance with the following minimum requirements:

- (A) a minimum of 0.15 *parking spaces* for each bachelor *dwelling unit*;
- (B) a minimum of 0.3 *parking spaces* for each one-bedroom *dwelling unit*;
- (C) a minimum of 0.45 *parking spaces* for each two bedroom *dwelling unit*;
- (D) a minimum of 1.0 *parking spaces* for each *dwelling unit* containing three or more bedrooms; and
- (E) a minimum of 0.06 *parking spaces* for each *dwelling unit* on the *lot*, for the use of residential visitors to the *lot* which can be located

in a *commercial parking garage* and shared with other non-residential uses on the *lot* as per *parking space* occupancy rates found in Schedule 1 of Section 4(5) of By-law 438-86;

(iii) Residential - condominium

Notwithstanding Section 1(i)(ii) above, should the *dwelling units* be located within a plan of condominium registered pursuant to the *Condominium Act*, where each *dwelling unit* is a separately conveyable unit within such plan of condominium, *parking spaces* for residents on the *lot* shall be provided and maintained in accordance with the following minimum requirements:

- (A) a minimum of 0.3 *parking spaces* for a bachelor *dwelling unit*;
- (B) a minimum of 0.5 *parking spaces* for a one-bedroom *dwelling unit*;
- (C) a minimum of 0.8 *parking spaces* for a two-bedroom *dwelling unit*;
- (D) a minimum of 1.00 *parking spaces* for a three-bedroom *dwelling unit*; and
- (E) a minimum of 0.06 *parking spaces* for each *dwelling unit* on the *lot*, for the use of residential visitors to the *lot* which can be located in a *commercial parking garage* and shared with other non-residential uses on the *lot* as per *parking space* occupancy rates found in Schedule 1 of Section 4(5) of By-law 438-86;

(iv) Shared parking

The number of required *parking spaces* for *residential dwelling units* can be reduced at a rate of four resident spaces for each *car-share parking space* provided, and the maximum reduction permitted shall be 16 spaces;

(v) Parking space dimensions

Notwithstanding Section 4(17) of By-law 438-86, a maximum of six *parking spaces* may have a minimum length of 4.6 metres and a maximum of six *parking spaces* may have a minimum width of 2.2 metres, provided that these *parking spaces* are signed as *parking spaces* for small vehicles only;

- (i) In the event that the calculation of the number of required *parking spaces* results in a number with a fraction, the number shall be rounded down to the nearest whole number;
- (j) *Loading spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
 - (i) one *loading space – type B* shall be provided;

- (ii) two *loading space – type C* shall be provided; and
- (iii) one *loading space – type G* shall be provided;
- (k) *Bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
 - (i) Residential
 - (A) *Bicycle parking spaces – occupant*: a minimum of 0.9 *bicycle parking spaces* per *dwelling unit* that may or may not be located in a secured room or a bicycle storage locker; and
 - (B) *Bicycle parking spaces – visitor*: A minimum of 0.1 *bicycle parking spaces* per *dwelling unit* for visitors that may or may not be located in a secured room;
 - (ii) Non-residential
 - (A) *Bicycle parking spaces – occupant*: A minimum of 0.2 *bicycle parking spaces* per 100 square metres of *non-residential gross floor area* for occupants that may or may not be located in a secured room or a bicycle storage locker; and
 - (B) *Bicycle parking spaces – visitor*: A minimum of 3 *bicycle parking spaces* plus 0.25 *bicycle parking space* per 100 square metres of *non-residential gross floor area* for visitors that may or may not be located in a secured room;
 - (iii) in the event that the calculation of the number of required *bicycle parking spaces* results in a number with a fraction, the number is rounded down to the nearest whole number; and
 - (iv) notwithstanding the definition of *bicycle parking space - occupant* and *bicycle parking space - visitor* in Section 2 of By-law 438-86, if *bicycle parking spaces* are provided in 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*, the minimum vertical clearance for each *bicycle parking space* may be reduced to 1.2 metres;
- (l) *Residential amenity space* for the use of residents of the *lot* shall be provided and maintained on the *lot* as follows:
 - (i) a minimum of 2.0 square metres of indoor *residential amenity space* for each *dwelling unit* shall be provided and maintained in a location in a multi-purpose room or rooms, that may or may not be contiguous with one another, and at least one of which shall contain a kitchen and a washroom; and

- (ii) a minimum of 2.0 square metres of outdoor *residential amenity space* for each *dwelling unit*, of which at least 40 square metres is provided in a location adjoining or directly accessible from the indoor *residential amenity space* required in (i) above which contains a kitchen and a washroom; and
 - (m) none of the provisions of Zoning By-law 438-86, as amended, shall apply to prevent the erection or use of a *Temporary Sales Office and Temporary Construction Office* on the *lot*.
- 2. Within the lands shown on Map 1 attached to this by-law, 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.
- 3. Pursuant to Section 37 of the *Planning Act* and subject to compliance with this by-law, the increase in height and density of development on the *lot* contemplated herein is permitted in return for the owner's election to provide, at the owner's expense, the facilities, services and matters set out in Schedule A hereof which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form satisfactory to the City Solicitor and registered on title to the *lot*.
- 4. 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, the issuance of such permit shall be dependent on satisfaction of the same.
- 5. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this by-law unless all provisions of Schedule A are satisfied.
- 6. For the purposes of this By-law, every italicized term herein shall have the same meaning as defined in Bylaw 438-86, as amended, with the exception of the following:
 - (a) "*Car-share*" means the shared use of one or more cars that are owned by a car-sharing organization, where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization;
 - (b) "*Car-share parking space*" means a parking space that is reserved and actively used for *car-sharing*;
 - (c) "*Grade*" means 84.10 metres Canadian Geodetic Datum;
 - (d) "*Height*" means the vertical distance between *grade* and the highest point of the building or structure;

- (e) *"Lot"* means the lands delineated by heavy lines on Map 1 attached to this by-law; and
- (f) *"Temporary Sales Office and Temporary Construction Office"* shall mean a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot* and/or the administration and management of construction activity related to construction on the *lot*.
7. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*.
8. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this by-law shall apply to the whole *lot* as if no severance, partition or division occurred.

Enacted and passed on November 9, 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

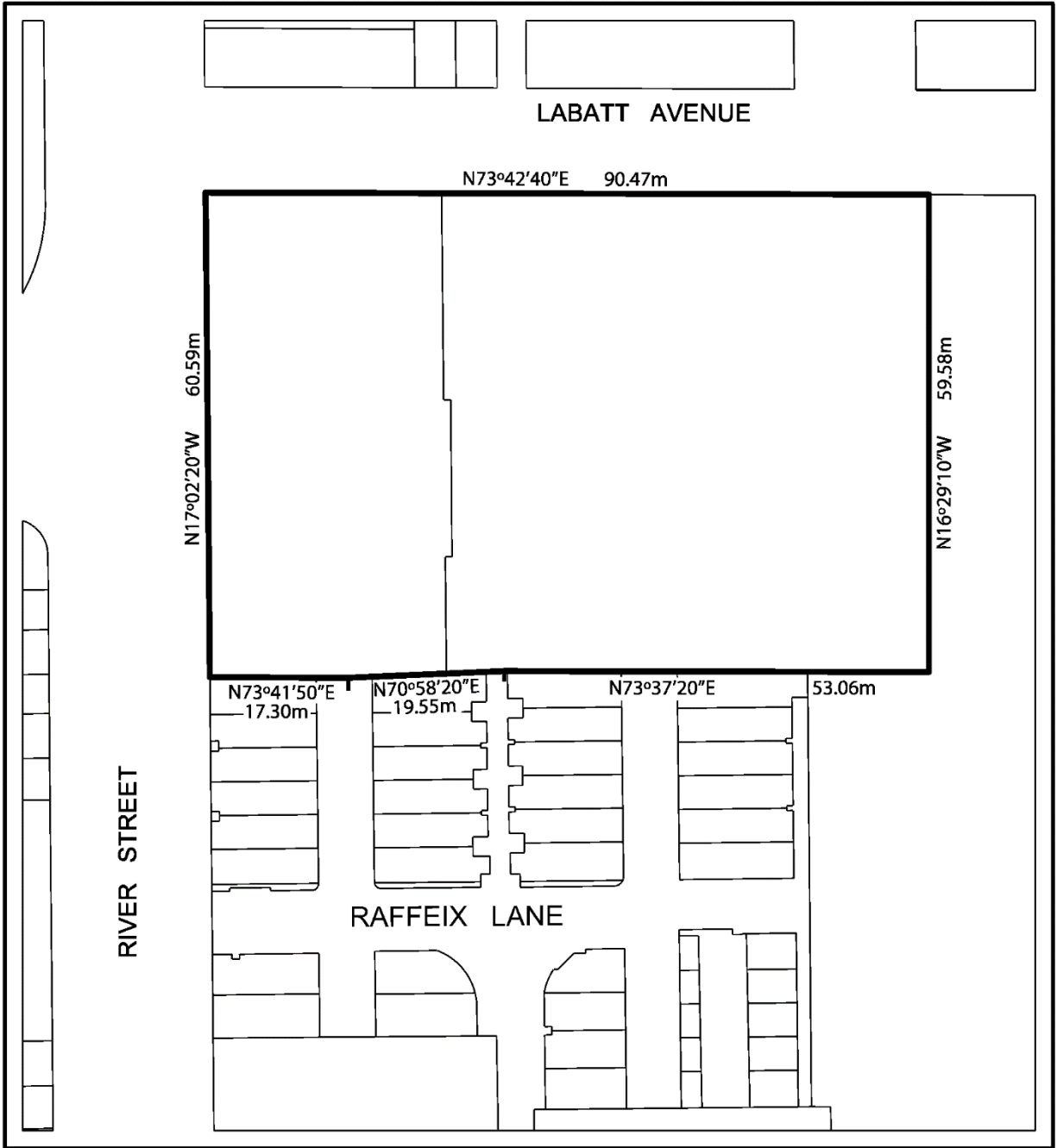
SCHEDULE A

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 *lot* 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 the first above-grade building permit, the owner shall pay to the City a cash contribution in the amount of \$2,000,000.00 to be allocated as follows:
 - (a) \$1,000,000 towards the development of the Dixon Hall Youth Centre to be located in Regent Park, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
 - (b) \$625,000 towards local streetscape and/or parkland improvements to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
 - (c) \$325,000 towards the development of the Cabbagetown Regent Park Museum to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor; and
 - (d) \$50,000 towards the redevelopment of the site of Canada's First Parliament Buildings, municipally known as 25 Berkeley Street and 265 and 271 Front Street East, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
2. The payment amounts identified in Clause (0) above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment.
3. In the event that the cash contribution set to in Clause (0) above have 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 or purposes, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that such other purpose is in compliance with the Toronto Official Plan and will benefit the community in the vicinity of the *lot*.
4. The *owner* shall provide and maintain the following to the satisfaction of the Chief Planner and Executive Director, City Planning with the specific location, configuration and design to be determined and secured in the context of site plan approval for the *lot* pursuant to Section 114 of the *City of Toronto Act*, 2006, as amended and, as applicable, Section 41 of the *Planning Act*, as amended:
 - (a) the *owner* shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, a publicly accessible pedestrian clearway across private property on those portions of River Street and Labatt Avenue abutting the subject property that do not contain adequate sidewalk widths to

accommodate pedestrian activity and street trees, with the specific location, configuration and design to be determined in the context of a site plan approval pursuant to Section 114 of the *City of Toronto Act*, 2006, as amended and, as applicable, Section 41 of the *Planning Act*, as amended, and secured in a Site Plan Agreement with the City.

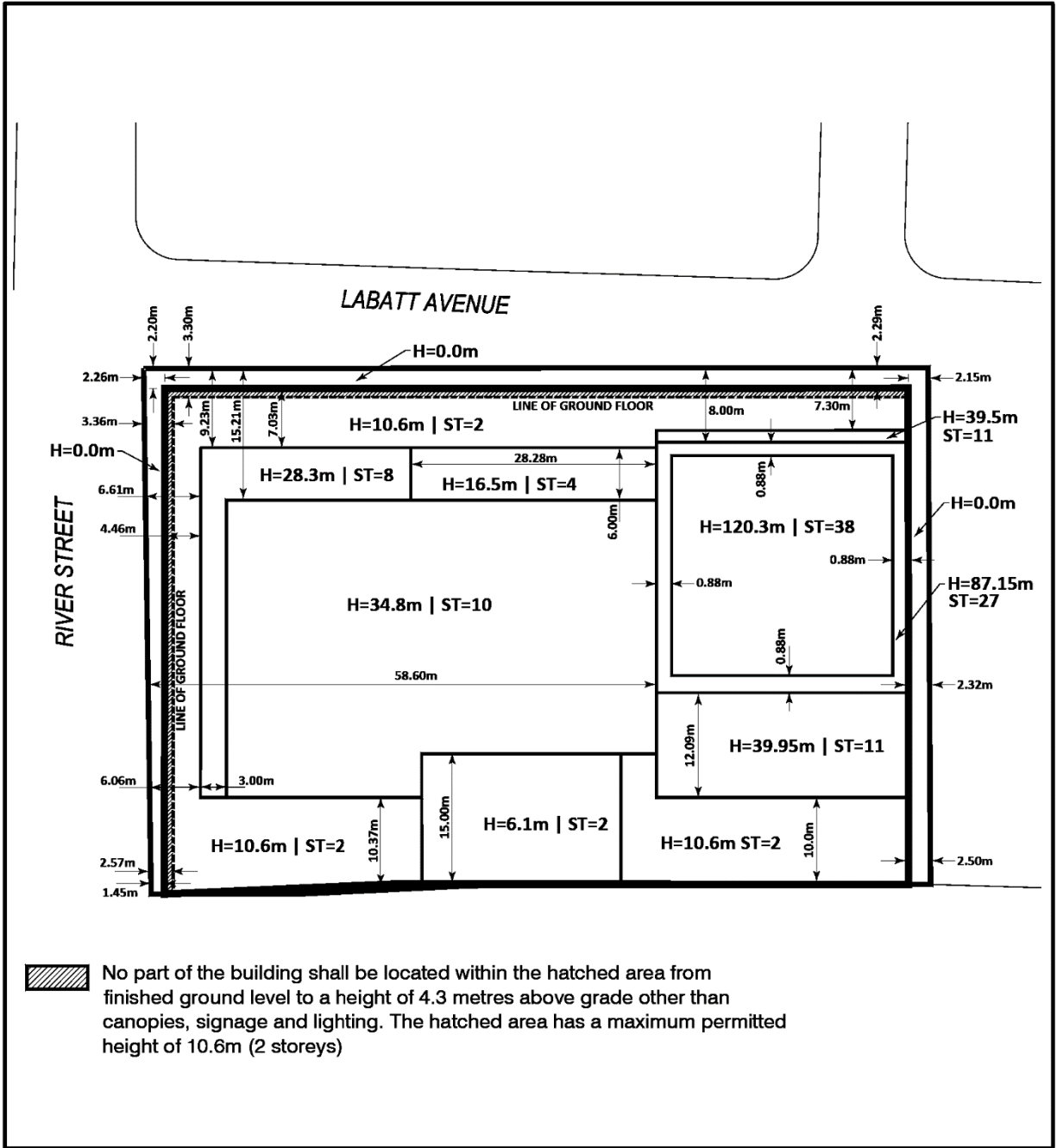


Map 1

Lots 1 to 13 and Pt. Lot 14, R.P. D117 & Pt. Lot 5, R.P. 108
J. D. Barnes Ltd.
Date: 10/04/2016
Approved by: A.T.

File # 14 175807 STE 28 0Z





Map 2

Lots 1 to 13 and Pt. Lot 14, R.P. D117 & Pt. Lot 5, R.P. 108
 J. D. Barnes Ltd.
 Date: 04/26/2017
 Approved by: A.T.

File # 14 175807 STE 28 OZ

↑
 Not to Scale