

Authority: Toronto and East York Community Council
Item TE18.6 as adopted by City of Toronto Council on
September 30, October 1 and 2, 2020

CITY OF TORONTO

BY-LAW 1094-2021

To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2020 as 176 and 178 Front Street East and 33 Sherbourne Street.

Whereas Council of the City of Toronto has the authority to 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/or 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/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 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 aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and/or density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 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. This By-law applies to the lands delineated by heavy black lines on Diagram 1 attached to and forming part of this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined in heavy black lines to CRE (x29), as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.12.10 Exception Number CRE (x29), so that it reads:

Exception CRE (x29)

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

Site Specific Provisions:

- (A) On 176 and 178 Front Street, and 33 and 35 Sherbourne Street, if the requirements in Section 6 and Schedule A of By-law 1094-2021 are complied with a **building** or **structure** may be constructed in compliance with regulations (B) to (V) below;
- (B) In addition to the uses permitted in regulation 50.10.20.10(1), **public parking** is also a permitted use;
- (C) The permitted maximum **gross floor area** of all **buildings** and **structures** will be 30,500 square metres;
- (D) The required minimum **gross floor area** for non-residential uses is 1,300 square metres;
- (E) A minimum of twenty-five percent of the total number of **dwelling units** must contain two or more bedrooms, and a minimum of ten percent of the total number of **dwelling units** must contain three or more bedrooms;
- (F) Despite regulation 50.5.40.10(1), the **height** of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 79.47 metres to the highest point of a building or structure;
- (G) Despite regulations 50.10.40.10(1), (2) and (4), the **height** of any **building** or **structure** may not exceed the **height** limit of the numbers following the symbol HT on Diagram 3 of By-law 1094-2021;
- (H) Despite (G) above, and regulations 50.5.40.10(4), (5), (6), (7), and (8) the following elements or portion of any **building** or **structure** may project above the **height** indicated by the numbers following the symbol HT on Diagram 3 of By-law 1094-2021 as follows:
 - i. Elevator shafts, elevator overrun, elevator machine room, enclosed stairwells, and access ladders to 8.5 metres;
 - ii. Equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment; window washing equipment, **structures** used for the functional operation of the **building**, such as, maintenance equipment storage, mechanical rooms, chimneys,

- vents, and water supply facilities, and **structures** that enclose, screen or cover the elements listed above, by a maximum of 5.0 metres;
- iii. Parapets, railings, architectural features ornamental elements, canopies, guard rails, mechanical and privacy screens, insulation and roof surface materials, **building** equipment and noise and wind mitigation structures, by a maximum of 2.5 metres; and
 - iv. **Landscaping** features and **structures** on the area labelled "HT 9.0 m" and "HT 31.5 m" on Diagram 3 used for outside or open air recreation, noise and wind mitigation **structures**, and planting and other **landscaping structures** and elements of a green roof, by a maximum of 3.0 metres.
- (I) Despite clauses 50.5.40.70, 50.10.40.80, and 50.10.40.70, the required minimum **building setbacks** and minimum distance between **main walls** are shown in metres on Diagram 3 of By-law 1094-2021;
- (J) Despite (I) above, and regulation 5.10.40.70(1), and clauses 50.5.40.60 and 50.10.40.60, the following are permitted to encroach into the required minimum **building setbacks**, on Diagram 3 of By-law 1094-2021 as follows:
- i. Ornamental elements, window projections, window washing equipment, mechanical and privacy screens, mechanical equipment, fences, trellises, railings, landscape features and awnings, to a maximum of 3.0 metres;
 - ii. Canopies to a maximum of 3.0 metres;
 - iii. Lighting fixtures, window sills, eaves, vents and stacks, to a maximum of 1.0 metre;
 - iv. Balconies and architectural features located on the 4th to 10th **storeys** to a maximum of 2.75 metres, and a maximum of 5.0 metres for the portion measured from the east **side lot line** by a length of 17.5 metres;
 - v. Balconies and architectural features located on the 11th **storey and above**, to a maximum of 2.75 metres; and
 - vi. Balconies and private terraces located on the 10th **storey** *may encroach to the limit of the east side lot line.*
- (K) Regulation 50.10.40.30(1), with respect to maximum building depth, does not apply;
- (L) Despite clauses 50.10.40.50(1)(A), **amenity space** must be provided and maintained in accordance with the following:

- i. A minimum rate of 2.0 square metres per **dwelling unit** is indoor **amenity space**;
 - ii. A minimum rate of 1.4 square metres per **dwelling unit** is outdoor **amenity space**, of which a minimum of 40 square metres is to be provided in a location adjoining or directly accessible from an area that comprises indoor **amenity space**; and
 - iii. The indoor **amenity space** may be provided in multipurpose rooms which are not contiguous, where a minimum of one multipurpose room is to have a kitchen and washroom and a minimum area of 100 square metres.
- (M) Despite regulations 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided and maintained in accordance with the following:
- i. A minimum of 0.15 **parking spaces** per **dwelling unit** for residents of the **building**; and
 - ii. A minimum of 26 parking spaces must be provided as **public parking** within the **building** for the use of residential visitors, the non-residential uses of the **building** and the general public, with or without a fee, of which, a minimum of 2 **parking spaces** must be used for car share purposes.
- (N) Despite article 200.15.1(1) and regulation 200.15.10(1), a minimum of 4 accessible **parking spaces** must be provided and maintained in accordance with the following dimensions:
- i. A minimum length of 5.6 metres;
 - ii. A minimum width of 3.4 metres;
 - iii. A minimum vertical clearance of 2.1 metres; and
 - iv. The entire length must be adjacent to a minimum 1.5 metres wide accessible barrier free aisle or path;
- (O) Regulation 200.15.1 (4) with respect to location of accessible **parking spaces**, shall not apply;
- (P) Regulation 200.10.1(1) with respect to marking drive aisles accessing visitor **parking spaces**, shall not apply;
- (Q) Despite regulation 230.5.1.10(4), a **bicycle parking space** must comply with the following:

- i. For a **stacked bicycle parking space**, a minimum length of 1.8 metres, a minimum width of 0.45 metres and a minimum vertical clearance of 1.0 metre; and
 - ii. For a **bicycle parking space** that is not a **stacked bicycle parking space**, a minimum length of 1.8 metres, a minimum width of 0.45 metres and a minimum vertical clearance of 1.9 metres.
- (R) Despite regulations 230.5.1.10(10) and 230.50.1.20, a "long-term" and "short-term" **bicycle parking space** may be located in a **stacked bicycle parking space**, which may be located within the **building** or outside, including within a secured room, enclosure or unenclosed space or any combination thereof, or bicycle locker;
- (S) Despite regulations 220.5.10.1(2), (3), (4), (5), (6), (8), and article 220.20.1, a minimum of one Type "G" **loading space** and one Type "C" **loading space** must be provided and maintained;
- (T) Clause 150.100.30.1 does not apply;
- (U) Section 600.10 with respect to **building setbacks** for **buildings** in the downtown, does not apply; and
- (V) Section 600.20 with respect to Priority Retail Streets does not apply.

Prevailing By-laws and Prevailing Sections: (None Apply)

5. Despite any future severance, partition or division of the lands shown on Diagram 1, the provisions of this By-law will apply as if no severance, partition or division has occurred.
6. Section 37 Provisions
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the **owner**, at the **owner's** expense of the facilities, services and matters set out in Schedule A and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
 - (B) 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 the satisfaction of the same; and
 - (C) The **owner** shall not use, or permit the use of, a **building** or **structure** on the site erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on December 17, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Provisions

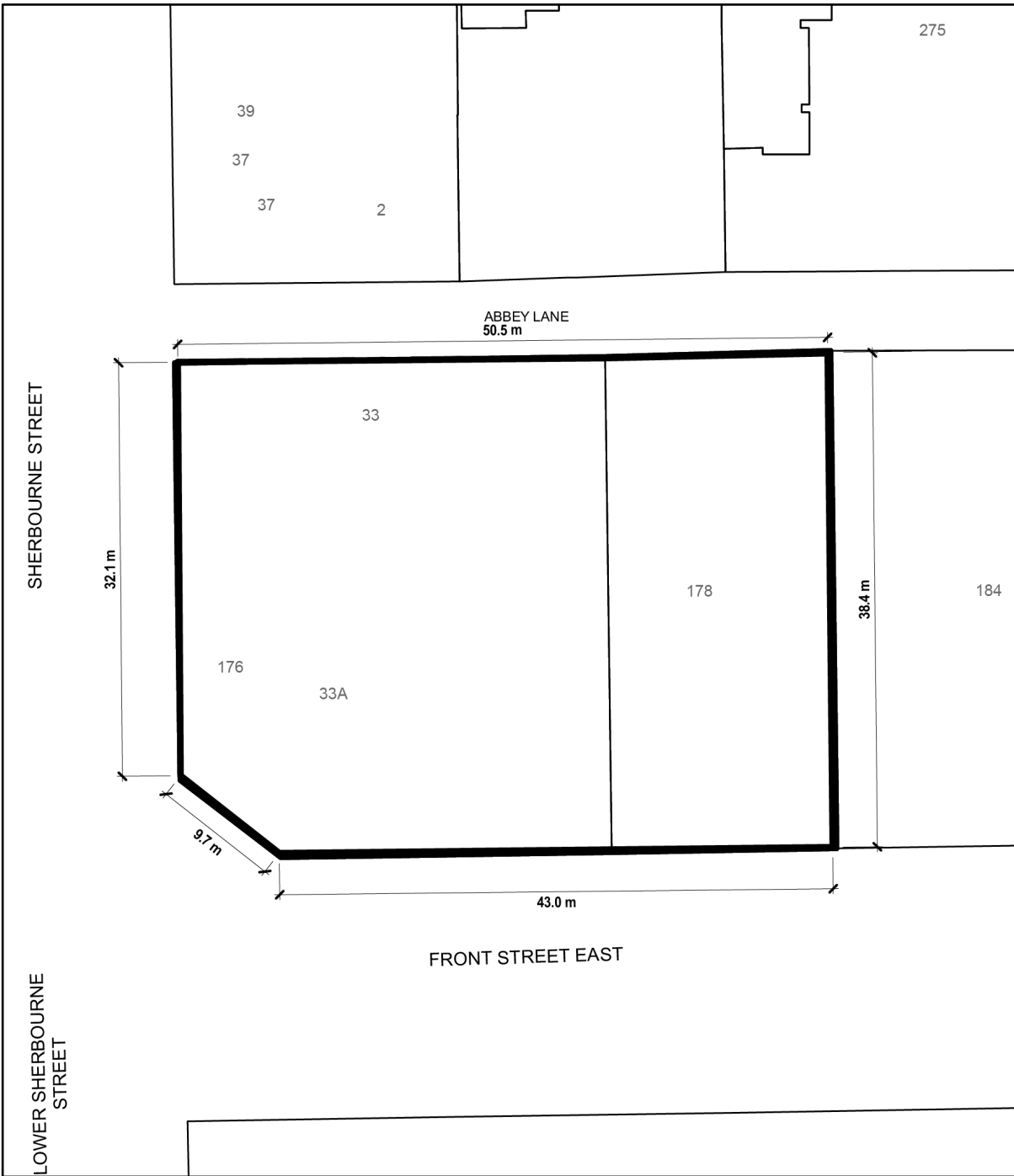
The facilities, services and matters set out below are required to be provided by the **owner** of the **lot** at their expense to the City in accordance with one or more agreements pursuant to Section 37(3) of the Planning Act, in a form satisfactory to the City with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

1. Prior to the issuance of the first above-grade building permit for the development, the **owner** shall provide cash contribution having a value of \$3,500,000 to be allocated as per the following:
 - a. A cash contribution of \$1,750,000 towards capital improvements in Toronto Community Housing buildings and/or existing affordable housing units within proximity of the subject site, in consultation with the Ward Councillor; and
 - b. A cash contribution of \$1,750,000 towards local streetscape, parkland and/or community facilities within proximity of the subject site, in consultation with the Ward Councillor.
2. The payment amount identified in Section 1 above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of the Section 37 agreement to the date of payment.
3. In the event the cash contributions referred to Section 1 have not been used for the intended purposes within three (3) years of the date the Section 37 Agreement is executed, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
4. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - a. The **owner** shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council applicable at the time the Site Plan Application was submitted to the City for the Development, subject to any requirements with respect to the provision of bicycle parking as set out in the Zoning By-law Amendments;
 - b. That prior to final site plan approval the **owner** shall:

- i. Provide final site plan drawings substantially in accordance with the approved Conservation Plan required in Item TE18.9 to the satisfaction of the Senior Manager, Heritage Planning;
 - ii. Have obtained final approval for the necessary Zoning By-law Amendments required for the subject property, with such Amendments to have come into full force and effect;
 - iii. Provide a Heritage Lighting Plan that describes how the exterior of the heritage properties will be sensitively illuminated to enhance their heritage character to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning;
 - iv. Provide a detailed landscape plan for the subject property, satisfactory to the Senior Manager, Heritage Planning;
 - v. Provide an Interpretation Plan for the subject property, to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning;
 - vi. Submit a Signage Plan to the satisfaction of the Senior Manager, Heritage Planning; and
 - vii. Enter into necessary agreements, provide letters of credit and engineering fees, and a cost estimate for the work associated with the Front Street East boulevard widening for the northern portion of Front Street East beginning with and including the eastern side of Sherbourne Street to the western side of Princess Street, along with any related intersection improvements or relocation of signal infrastructure (the "Front Street Improvements") to be constructed to current municipal standards and specifications (or equivalent) and generally in accordance with the Section 37 Agreement. However, should it be determined that the Front Street Improvements are to be incorporated into the City's capital works program at the discretion of the City, the **owner** will provide a cash contribution to the City in the form of a certified cheque to fully cover the costs of the Front Street Improvements, with such cash contribution not to exceed the cost estimate for the work as provided by the **owner**.
- c. As a condition of site plan approval, the **owner** will be responsible for constructing the Front Street Improvements, complying with the specifications and requirements of the Section 37 Agreement, with any modifications determined to be acceptable to the General Manager, Transportation Services throughout the site plan approval process.
 - d. That prior to the issuance of any permit for all or any part of the property at 33 Sherbourne Street and 178 Front Street East (including 176 Front Street East), including a heritage permit or a building permit, but excluding permits for repairs

and maintenance and usual and minor works for the existing heritage buildings as are acceptable to the Senior Manager, Heritage Planning, the **owner** shall:

- i. Have obtained final approval for the necessary Zoning By-law Amendments required for the subject property, with such Amendments to have come into full force and effect;
 - ii. Provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Item TE18.9, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Planning; and
 - iii. Provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Planning to secure all work included in the approved Conservation Plan, Heritage Lighting Plan and Heritage Interpretation Plan.
- e. That prior to the release of the Letter of Credit required in subsection 4. d. iii. above, the **owner** shall:
- i. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work and the required interpretive work has been completed in accordance with the Conservation Plan and Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Planning;
 - ii. Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Planning;
 - iii. Have received City Council authority to enter into a heritage easement agreement under Section 37 of the Ontario Heritage Act with the *owner* of 33 Sherbourne Street and 178 Front Street East (including 176 Front Street East) in a form and content satisfactory to the City Solicitor and the Chief Planner and Executive Director, City Planning.

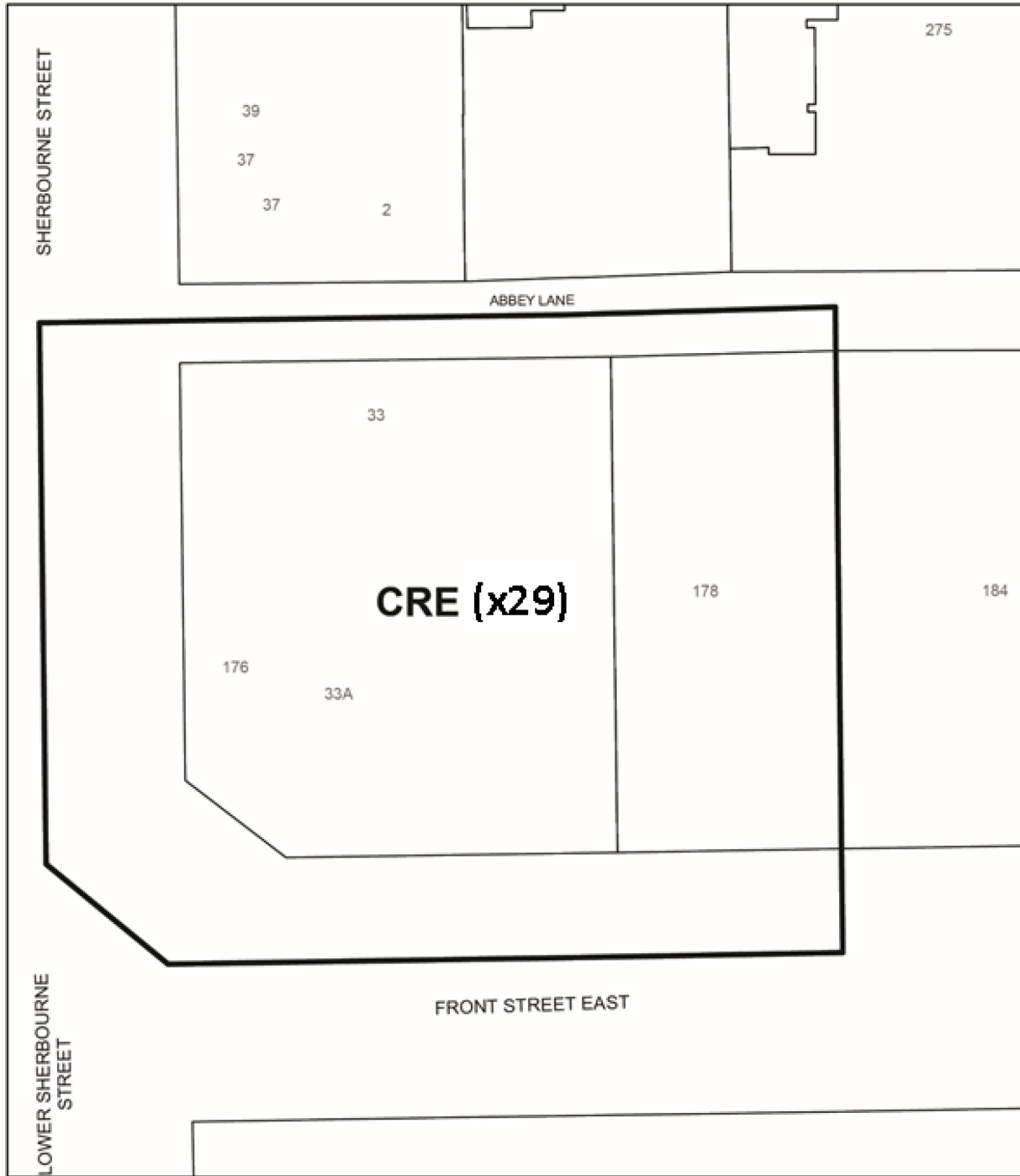


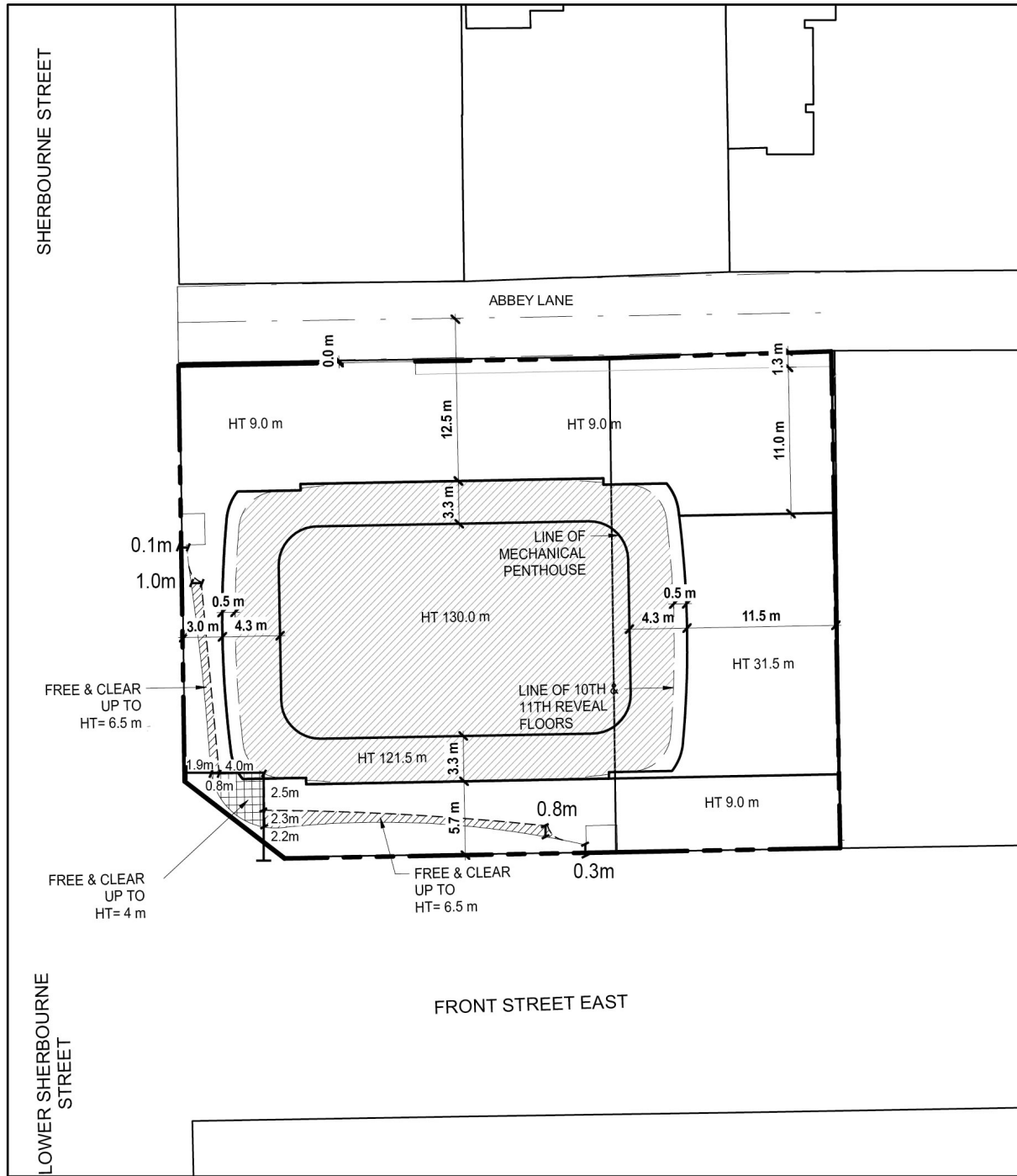
 **TORONTO**
Diagram 1

**176-178 Front Street East and
33 Sherbourne Street**

File # 19 124407 STE 13 OZ







 **TORONTO**
Diagram 3

**176-178 Front Street East and
33 Sherbourne Street**

File # 19 124407 STE 13 0Z

