

Draft Zoning By-law Amendment

**CITY OF TORONTO
BY-LAW No. XXX-2014**

To amend the General Zoning By-law No. 438-86 of the former City of Toronto, as amended, with respect to lands known municipally as 70 St. Mary Street.

WHEREAS authority is given to Council by 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 aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

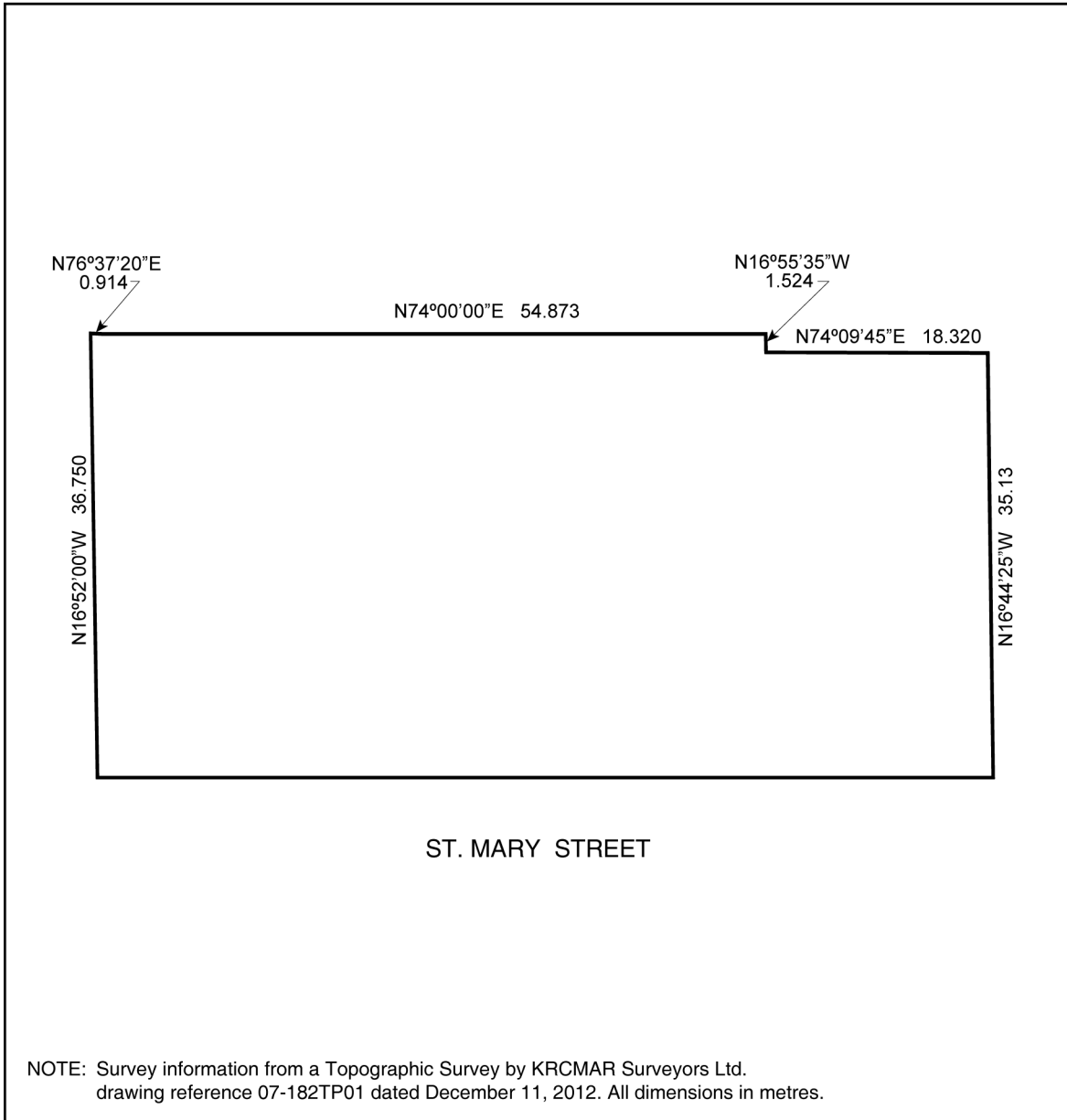
WHEREAS the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto.

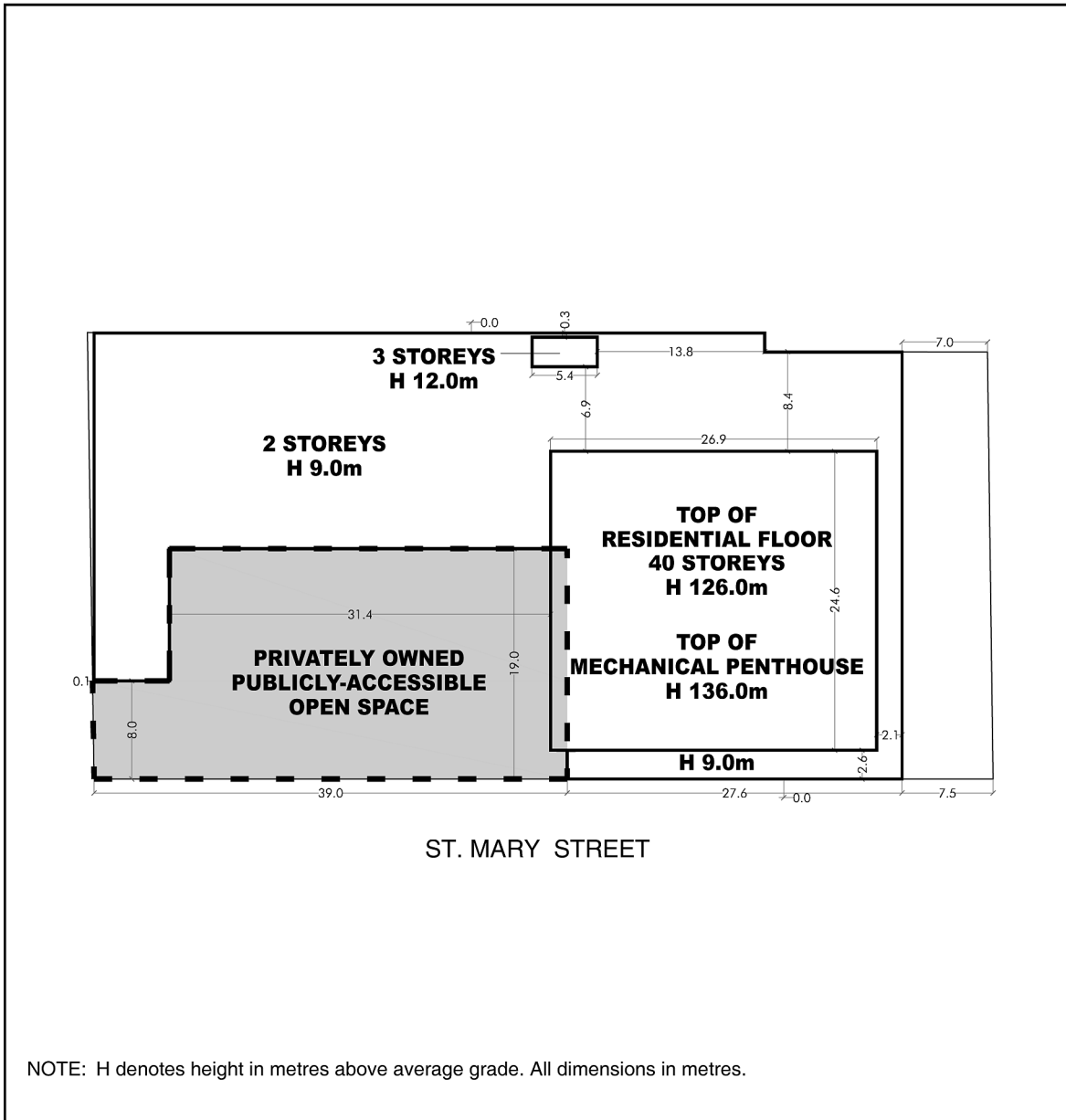
The Council of the City of Toronto HEREBY ENACTS as follows:

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law on the *lot* 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 *lot* of the facilities, services and matters set out in Appendix 1 of this By-law, 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 *lot* pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out in Appendix 1 of this By-law, the *lot* 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 requirements.
3. None of the provisions of Sections 2(1) *grade, height*, 4(2)(a), 4(5)(b), 4(12), 4(13), 8(1)(f)(a), 8(3) Part I 1, 8(3) Part III 1(a) and 12(2)310(a) of Zoning By-law No. 438-86, as amended, 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 on the lands shown delineated by heavy lines on Map 1 attached hereto of a *mixed-use building* containing *dwelling units*, a *private academic, philanthropic or religious school, place of worship, place of assembly, dwelling rooms and dwelling units* accessory to the *private academic, philanthropic or religious school*, a *commercial parking lot*, and the premises of a *charitable institution or non-profit institution* and *accessory* uses provided that:
 - a) the *lot* on which the building is to be located comprises at least those lands within the heavy line on Map 1, attached to and forming part of this By-law;
 - b) the total aggregate *non-residential gross floor area* and *residential gross floor area* of any building or structure erected on the *lot* is not permitted to exceed 23,520 square metres;
 - c) the *residential gross floor area* of any building or structure erected on the *lot* is not permitted to exceed 17,900 square metres, excluding *dwelling rooms* and *dwelling units* accessory to the *private academic philanthropic or religious school*, and the building contains not more than 220 condominium *dwelling units*;
 - d) the combined *non-residential gross floor area* and *residential gross floor area* of the *dwelling rooms* and *dwelling units* accessory to the *private academic, philanthropic or religious school* does not exceed 5,620 square metres, and the building contains no more than a combined total of 80 *dwelling rooms* and *dwelling units* accessory to the *private academic, philanthropic or religious school*;
 - e) no portion of any building or structure erected and used above *grade* is located otherwise than wholly within the heavy lines on Map 2 attached hereto except cornices, canopies, awnings, skylights, ornamental elements, trellises, lighting fixtures, balconies, fences, landscape planters and seating areas, retaining walls, ramps to an underground garage, stairways and railings;

- f) no portion of any building or structure on the *lot* is permitted have a *height* in metres or *storeys* greater than the *height* limits and *storeys* specified on Map 2 attached to, except for:
- (i) parapets, railings, roof drainage, thermal insulation and roof ballast terraces, terraces, terrace or balcony guards and dividers, planters, stairs, stair enclosures, wall or structure enclosing such elements and railings extending to a maximum vertical projection of 1.2 metres above the *height* limits shown on Map 2; and
 - (ii) window washing equipment, stair towers, partitions, landscape elements, green roof elements, lighting fixtures, vents, flues, pipes, access roof hatch, outdoor furniture, heating, cooling or ventilating equipment or a fence, and structures located on the roof used for outside or open air recreation, safety or wind protection purposes may extend above the *height* limits shown on Map 2;
- g) amenity space is provided on the lot as follows:
- (i) a minimum of 2 square metres for each *dwelling unit* of indoor *residential amenity space* shall be provided in a multi-purpose room or rooms in the building;
 - (ii) a minimum of 1.8 square metres for each *dwelling unit* of outdoor *residential amenity space* shall be provided; and
 - (iii) a minimum of 700 square metres of privately owned publicly accessible open space shall be provided in the form of a courtyard on the *lot* on the ground level;
- h) *parking spaces* must be provided and maintained on the *lot* in accordance with the following requirements:
- (i) For the residential condominium component:
 - One Bedroom Units 0.5 *parking spaces* per *dwelling unit*;
 - Two Bedroom Units 0.7 *parking spaces* per *dwelling unit*;
 - Three+ Bedroom Units 1.0 *parking spaces* per *dwelling unit*; and
 - Visitors 0.1 *parking spaces* per *dwelling unit*.
 - (ii) A minimum of 11 *parking spaces* for all of the other proposed uses not identified under Section 3(h)(i) above.
- i) any *parking spaces* provided in excess of the minimum required in Section 3.(h) of this By-law may be used commercially for profit;
- j) provide drive aisles which have direct access to a parking space with maximum slopes of 5.0 percent.





NOTE: H denotes height in metres above average grade. All dimensions in metres.

APPENDIX 1

Section 37 Provisions

The facilities, services and matters set out below are required to be provided by the owner of 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 the owner shall provide the following cash contributions:
 - i. \$220,000 towards the City's Capital Revolving Fund for Affordable Housing for the purpose of maintaining and constructing affordable rental housing units in Ward 27, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor;
 - ii. \$1,000,000 for local area park and streetscape improvements in Ward 27 to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the local councillor;
 - iii. \$980,000 for social and community space purposes in Ward 27 to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the local councillor;
 - iv. The payment amounts referred to in Section (i), (ii) and (iii) above to be increased by upwards indexing in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported by Statistics Canada or its successor, calculated from the date of final approval of the bills to the date of each such payment to the *City*; and
 - v. In the event the cash contributions referred to in Section (i), (ii) and (iii) above has 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, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
2. The following matters are also recommended to be secured in the S. 37 Agreement as a legal convenience to support the development:

- i. A privately owned publicly accessible (POPS) ground floor courtyard on the site adjacent to St. Mary Street, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the City Solicitor in consultation with the local councillor; and
- ii. A minimum of 10% of the dwelling units in the development must be 3 bedroom dwelling units.