

Authority: Toronto and East York Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. XXXX-2016

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2016 as 77 River Street and 7 Labatt Avenue.

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 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;

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. 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. The lands subject to this By-law are outlined by heavy black lines on Diagram [1] attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: CR 2.5 (c2.0; r1.5) SS2 (x81) as shown on Diagram [2] attached to this By-law; and

4. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: PA [1] , as shown on Diagram [4] attached to this Bylaw; and
5. Zoning By-law No. 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height and storey label to these lands: HT [15.0], as shown on Diagram [3] attached to this Bylaw; and
7. Zoning By-law No. 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Section 995.40.1, and applying the following Rooming House label of [B3] to these lands, as shown on Diagram [5] attached to this By-law; and
8. Zoning By-law No. 569-2013, as amended, is further amended by adding a new Exception 900. 11.10. (81) so that it reads:

Exception CR 81

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 77 River Street and 7 Labatt Avenue if the requirements of Schedule A and Section 9 of By-law XXX-2016 [Clerks to supply by-law ##] are complied with, then none of the provisions of 5.10.40.1(3), 5.10.40.40(1), 5.10.40.70(6), 5.10.40.80(1), 40.10.40.10.2(A), 40.10.40.70(2), 40.10.40.40(1)(A), 40.10.40.40(1)(C), 40.10.40.50(1)(C), 200.5.10.1(1), 220.5.10.1(1) and 230.5.1.10(7)(B) shall apply to prevent the erection or use of a building, structure, addition or enlargement permitted by the regulations below;
- (B) Despite the uses listed in Article 40.10.20.10(1)(A), the only uses permitted under the letter 'c' are: retail and service shops, offices, **Community Centre, and Public Parking;**
- (C) Despite the uses listed in Article 40.10.20.10(1)(B) and 40.10.20.20(1)(B), the only use permitted under the letter 'r' is: **Dwelling Unit in a Mixed Use Building;**
- (D) Despite the uses listed in Article 40.10.20.20(1), the only conditional use permitted is: **Public Parking**, which is a permitted use conditional upon being provided within a **parking garage** located below **average grade;**

- (E) A **place of worship** is permitted if it is **ancillary** to an office or **community centre** use;
- (F) **Average Grade** is the Canadian Geodetic Datum elevation of 84.1 metres;
- (G) The height of a **building** or **structure** is measured as the vertical distance between **Average Grade** and the highest point of the building or structure except for those elements prescribed in section (H) below;
- (H) The height of any **building** or **structure**, as measured from **Average Grade**, does not exceed the height in metres specified by the numbers following the symbol H on Diagram (6) of By-law No. XXX-2016, with the exception of the following:
- (i) parapets, guard rails, railings and dividers, trellises, eaves, screens, stairs, roof drainage, window washing equipment, lightning rods, architectural features, landscaping and elements of a green roof;
 - (ii) vents, stacks, pipes, lightning rods and chimneys may extend up to 2.0 metres above the applicable height limit shown on Diagram 2;
 - (iii) the maximum height for mechanical penthouses or roof top mechanical equipment shall be the sum of 6.0 metres and the applicable height limit shown on Diagram (XXX);
- (I) The portions of a **building** or **structure** above finished ground must be located within the areas delineated by heavy lines on Diagram (6) of By-law XXX-2016, except:
- (i) cornices, light fixtures, ornamental elements, parapets, art and landscape features, patios, decks, pillars, trellises, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, and underground garage ramps and associated structures may extend beyond the heavy lines shown on Diagram 2 of By-law No. XXX-2016; and
 - (ii) balconies may encroach to a maximum of 2.0 metres;
- (J) The total **gross floor area** of all **buildings** and **structures** on the lands must not exceed 51,685 square metres; and
- (i) the **gross floor area** of **buildings** or **structures** occupied by residential uses must not exceed 45,385 square metres;
 - (ii) the **gross floor area** of **buildings** and **structures** occupied by non-

residential uses must not be less than 4,645 square metres of which a minimum of 2,320 square metres must be used for office and **community centre** uses; excluding the area occupied by a **parking** garage or **public parking**; and,

- (iii) For the purposes of this exception, a **public parking** garage shall not be counted as **gross floor area**;
- (K) At least twenty percent (20%) of all **dwelling units** erected or used on the **lot** shall have two or more bedrooms, and at least a further ten percent (10%) of all **dwelling units** erected or used on the **lot** shall have three or more bedrooms;
- (L) Should the **dwelling units** within the **building** be held in common ownership, **parking spaces** for **dwelling units** must be provided and maintained in accordance with the following:
 - (i) a minimum of 0.15 **parking spaces** for each bachelor dwelling unit;
 - (ii) a minimum of 0.3 **parking spaces** for each one bedroom **dwelling unit**;
 - (iii) a minimum of 0.45 **parking spaces** for each two bedroom **dwelling unit**;
 - (iv) a minimum of 1.0 **parking spaces** for each three-bedroom **dwelling unit**;
 - (v) a minimum of 0.06 **parking spaces** for each dwelling unit on the lot, for the use of residential visitors to the lot, and which may or may not be located in a **public parking** garage; and,
 - (vi) 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;
- (M) Despite section (L) 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 with such plan of condominium, **parking spaces** for the **dwelling units** must be provided and maintained in accordance with the following:
 - (vii) a minimum of 0.3 **parking spaces** for each bachelor dwelling unit;
 - (viii) a minimum of 0.5 **parking spaces** for each one bedroom **dwelling**

unit;

- (ix) a minimum of 0.8 **parking spaces** for each two bedroom **dwelling unit**;
 - (x) a minimum of 1.0 **parking spaces** for each three-bedroom **dwelling unit**;
 - (xi) a minimum of 0.06 **parking spaces** for each dwelling unit on the lot, for the use of residential visitors to the lot, and which may or may not be located in a **public parking** garage; and,
 - (xii) 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;
- (N) For the purpose of this exception **car-share** means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and 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, including the payment of a membership fee that may or may not be refundable;
- (O) For the purpose of this exception a **car-share parking space** shall mean a **parking space** that is reserved and actively used for car-sharing, including non-residents;
- (P) **Parking spaces** for non-residential uses must be provided and maintained in accordance with the following:
- (i) a minimum of 1.0 **parking space** per 300 square metres of office, and **community centre gross floor area** on the **lot**, which may be located within the **public parking** garage, and which shall be subject to the following Occupancy Rates:
 - AM: 100%
 - PM: 60%
 - EVE: 0%
 - (ii) minimum of 1.0 **parking space** for each 100 square metres of **gross floor area** on the **lot** used for retail and service shops, which may be located within the **public parking** garage, which shall be subject to the applicable Occupancy Rate for a **retail store** and,
 - (iii) **parking spaces** for other permitted non-residential uses shall be

provided in accordance with Section 200.5.10, and may be located within the **public parking** garage;

- (Q) Despite 200.5.1.10 a maximum of 6 **parking spaces** may have a minimum length of 4.6 metres and a maximum of 6 parking spaces may have a minimum width of 2.2 metres, provided these **parking spaces** are signed as parking spaces for small vehicles only;
- (R) **Loading spaces** must be provided and maintained in accordance with the following:
 - (i) 1 type G **loading space**;
 - (ii) 1 type B **loading space**; and,
 - (iii) 2 type C **loading spaces**;
- (S) **Bicycle parking spaces** are permitted to be located in all levels of the **building** above **established grade** and within all below **established grade parking garage** levels, consisting of both vertical and horizontal **bicycle parking spaces**, which may be located in lockers, and both “long-term” and “short-term” **bicycle parking spaces** may be stacked;
- (T) **Amenity space** for the use of residents on the **lot** shall be provided and maintained on the **lot** as follows:
 - (i) A minimum of 2.0 square metres of indoor **amenity space** for each **dwelling unit**, shall be provided and maintained 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 **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 **amenity space** required in (a) above which contains a kitchen and a washroom;
- (U) None of the provisions of Zoning By-law 569-2013, as amended, shall apply to prevent the erection or use of a temporary **building, structure, facility or trailer** on the **lot** used for the purpose of the sale of dwelling units to be erected on the **lot**.

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

9. 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 hereof 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 satisfaction of the same.
- (C) 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.

Enacted and passed on month ##, 20##

Name,
Speaker

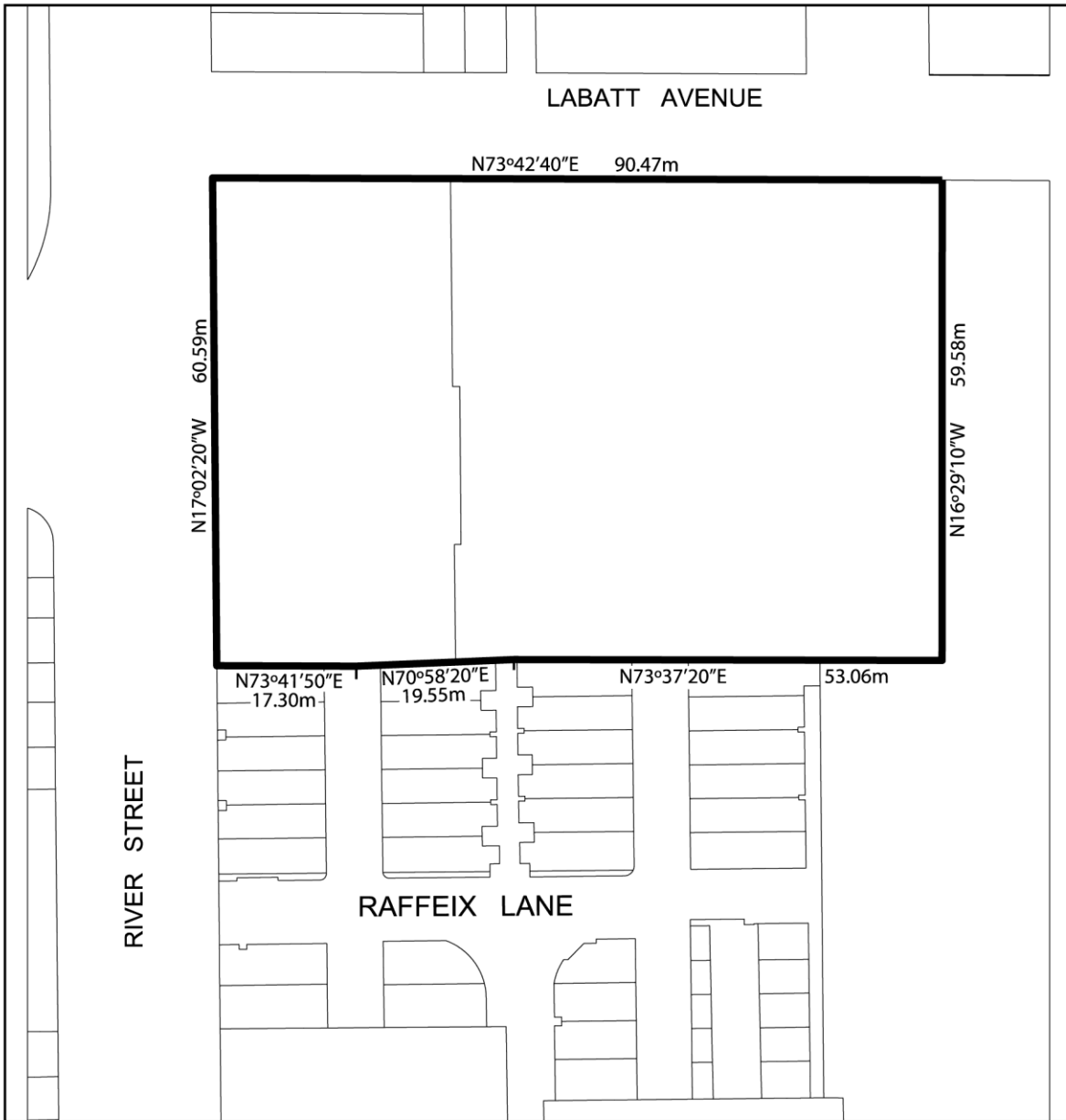
Ulli S. Watkiss,
City Clerk

(Seal of 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 lands as shown in Diagram [1] in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

- (1) Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$2,000,000, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made, 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;
 - (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 owner shall provide and maintain to support the development of the lands 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 to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (5) In the event the cash contribution referred to in Section (1) 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 purposes identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

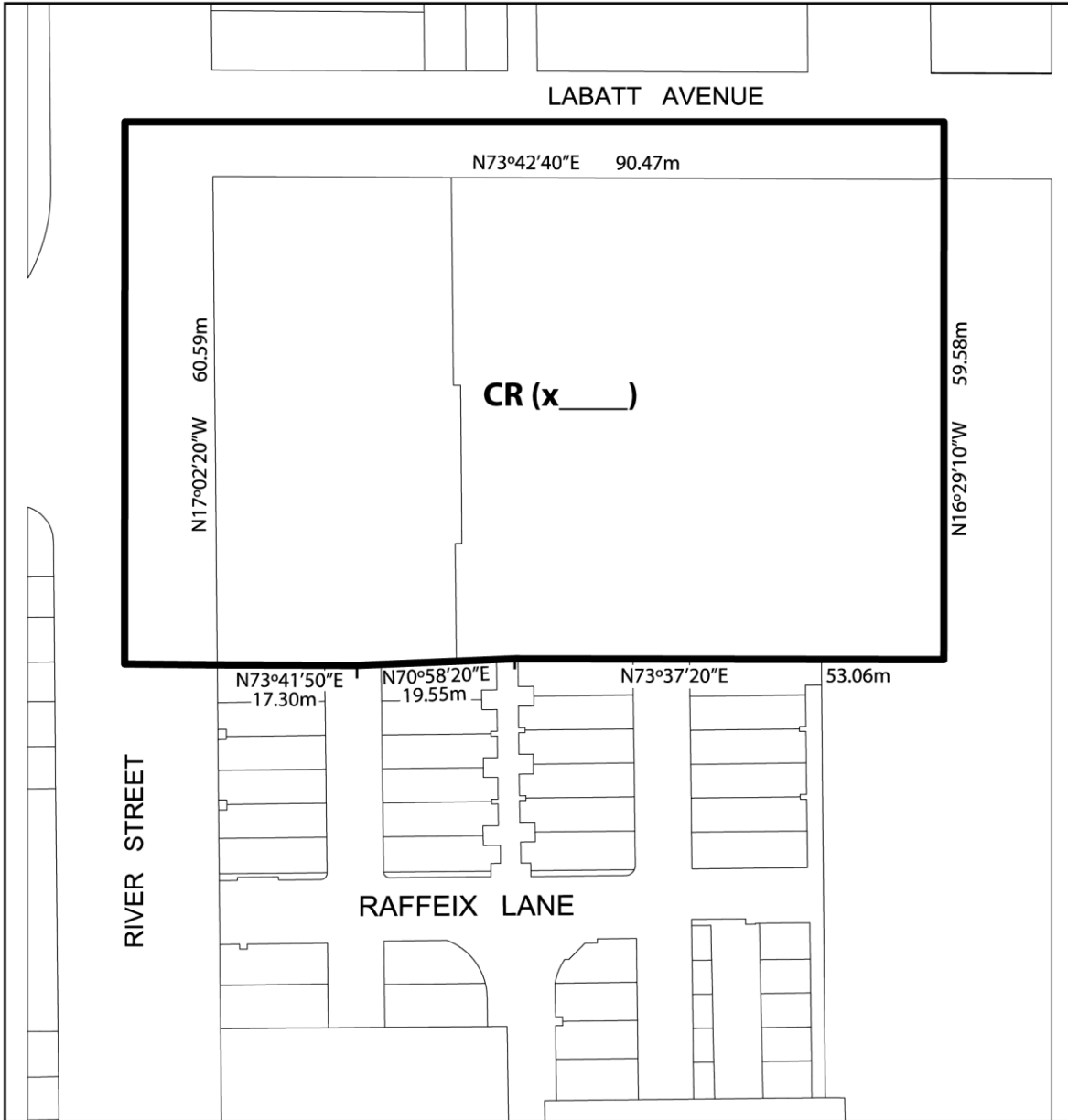


 **TORONTO**
Diagram 1

77 River Street and 7 Labatt Avenue

File # 14 175807 STE 28 OZ



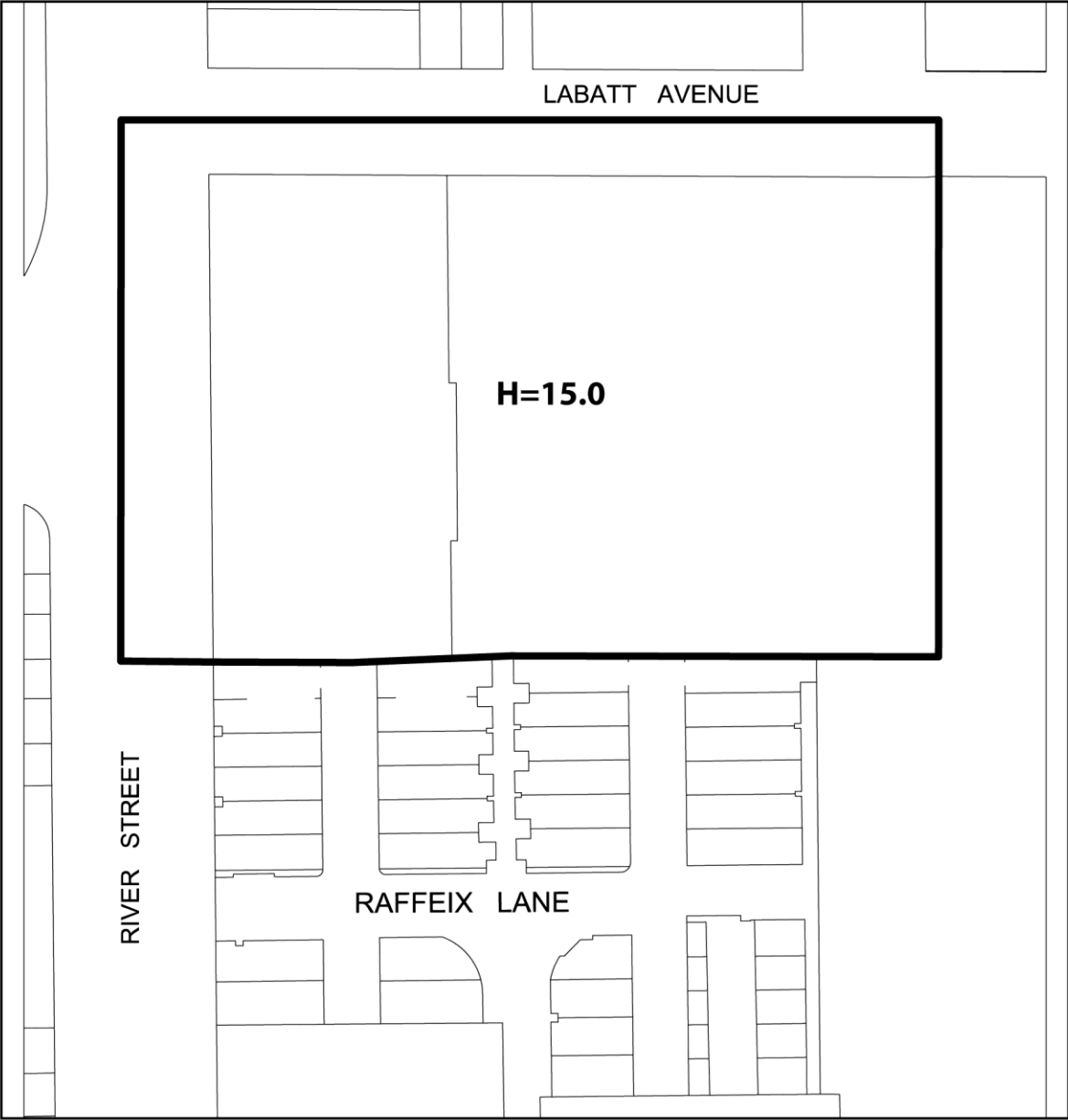


 **TORONTO**
Diagram 2

77 River Street and 7 Labatt Avenue

File # 14 175807 STE 28 0Z



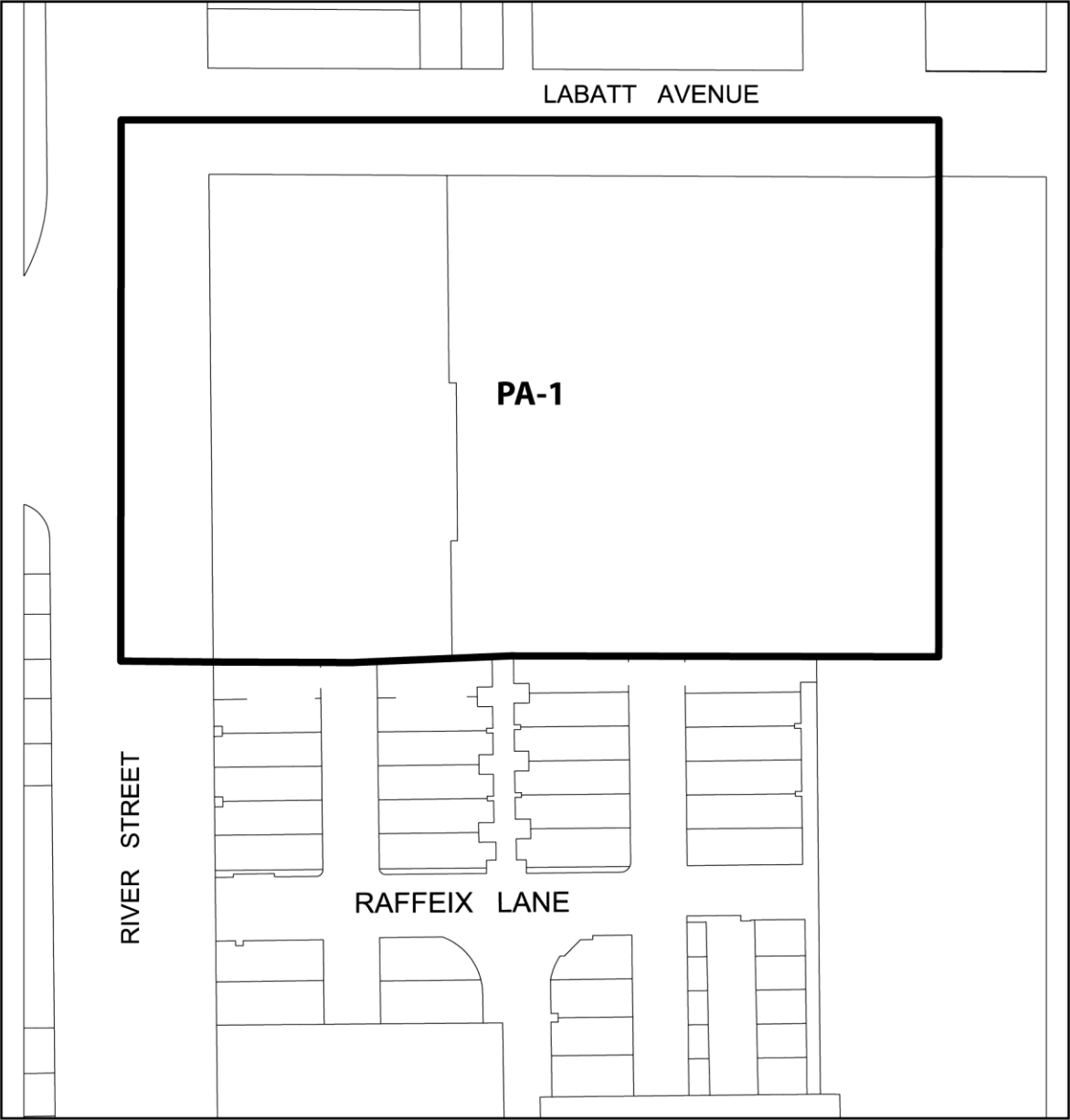


 **TORONTO**
Diagram 3

77 River Street and 7 Labatt Avenue

File # 14 175807 STE 28 0Z

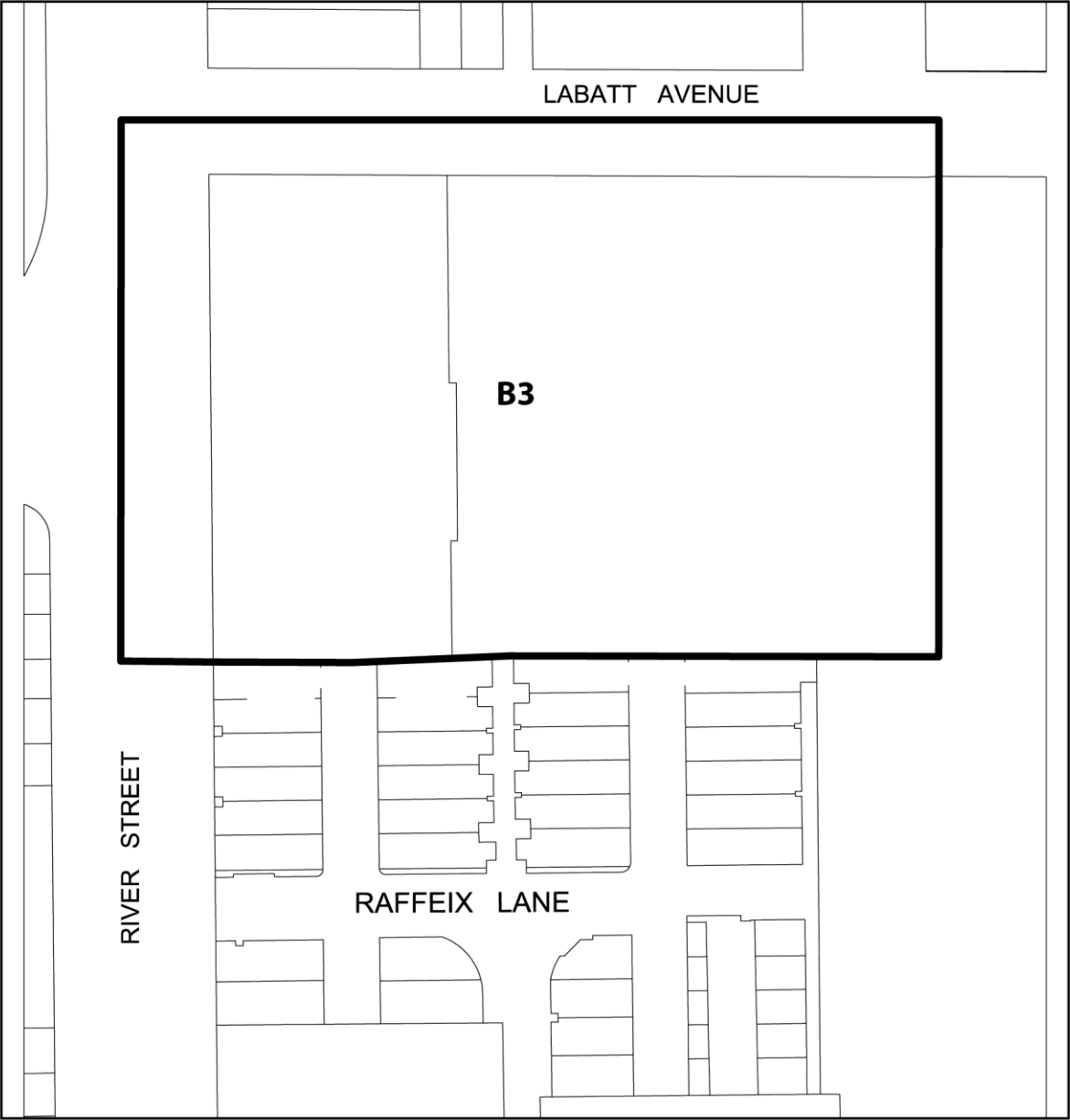




 **TORONTO**
Diagram 4

77 River Street and 7 Labatt Avenue

File # 14 175807 STE 28 0Z

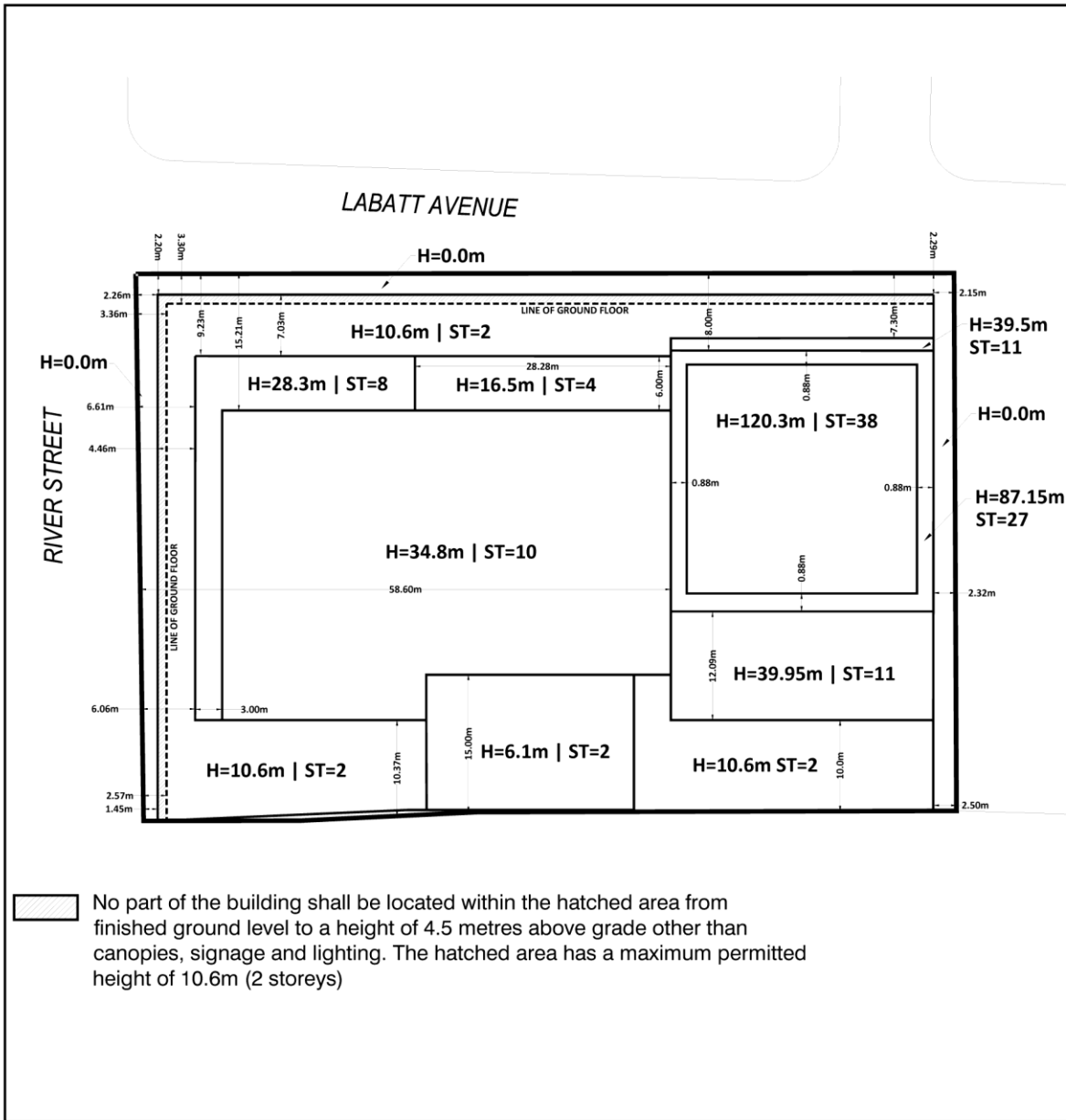



 **TORONTO**
Diagram 5

77 River Street and 7 Labatt Avenue

File # 14 175807 STE 28 0Z





 No part of the building shall be located within the hatched area from finished ground level to a height of 4.5 metres above grade other than canopies, signage and lighting. The hatched area has a maximum permitted height of 10.6m (2 storeys)