

Authority: Toronto and East York Community Council Item TE14.2, as adopted by City of Toronto Council on March 10, 2016

CITY OF TORONTO

Bill

BY-LAW -2017

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2016 as, 40, 46, 48, 50, 52 and 60 McCaul Street and 10 Stephanie 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 density of development;

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. 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 amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 2.0 (c0.5; r2.0)SS2(x57), 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 Article 900.11.10 Exception Number 57 so that it reads:

Exception CR 57

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

Site Specific Provisions:

- (A) On 40, 46, 48, 50, 52 and 60 McCaul Street and 10 Stephanie Street, if the requirements of by-law [Clerks to supply by-law ##] are complied with, none of the provisions of 40.5.40.10, 40.10.30.1.(1), 40.10.40.1.(1), 40.10.40.1.(2)(A), 40.10.40.1.(6), 40.10.40.10.(1), 40.10.40.10.(5), 40.10.40.40.(1), 40.10.40.40.(1)(A), 40.10.40.40(1)(C), 40.10.40.50.(1), 40.10.40.50.(1)(B), 40.10.40.70.(1), 40.10.40.70.(2), 40.10.40.80., 40.10.50.10, 40.10.50.10.(3), 200.5.10.1, 220.5.20.1.(1), 220.5.20.1.(3)(A), 230.5.1.10.(4)(a), 230.5.1.10.(8), and 230.5.10.1 apply to prevent the erection or use of a building, structure, addition or enlargement permitted in By-law [Clerks to supply by-law ##];
- (B) Despite the uses listed in Article 40.10.20, the only uses permitted on Parcel B, as outlined by heavy lines on Diagram 3 of By-law [Clerks to supply by-law ##], are an **art gallery** and **ancillary uses**;
- (C) Despite the definition for **art gallery** in 800.50(60), public viewing is not required;
- (D) The height of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 92.77 metres, and must not exceed the height in metres specified by the numbers following the symbol H on Diagram 4 in By-law [Clerks to supply by-law ##];
- (E) The cantilevered portion of the **building** within 8 metres of Stephanie Street must commence as measured from the Canadian Geodetic Datum Elevation of 92.77 metres as shown and described on Diagram 4 in By-law [Clerks to supply by-law ##];
- (F) Despite (D) above, the following elements may exceed the height indicated by the numbers following the letter H shown on Diagram 4 of By-law [Clerks to supply by-law ##], by a maximum of 2.5 metres:
- (i) Parapets, fences, skylights, railings, balcony and terrace guards and dividers, decorative screens, light monitors, light fixtures, ornamental elements, trellises, landscape elements, elements of a green roof, wind mitigation features, privacy screens, planters, balustrades, open air recreation, safety and wind protection features, window washing equipment, unenclosed heating, ventilation or cooling equipment such as

chimneys, stacks, flues, vents, air intakes, antennas, satellite dishes, and cellular arrays.

- G. The maximum permitted **gross floor area** of all **buildings** on Parcel A, as outlined by heavy lines on Diagram 3 of By-law [Clerks to supply by-law ##], must not exceed 13,925 square metres, of which:
- (i) A maximum of 13,775 square metres of **gross floor area** may be used for residential uses; and
 - (ii) A maximum of 150 square metres of **gross floor area** may be used for non-residential uses;
- (H) The maximum **gross floor area** of all **buildings** on Parcel B, as outlined by heavy lines on Diagram 3 of By-law [Clerks to supply by-law ##], must not exceed 1,700 square metres;
- (I) No **gross floor area** is permitted above ground level on Area 1, as outlined by heavy lines on Diagram 3 of by-law [Clerks to supply by-law ##].
- (J) The total number of **dwelling units** permitted on Parcel A, as delineated by a heavy line on Diagram 3 of by-law [Clerks to supply by-law ##], must not exceed 190;
- (K) The above grade portion of any **building** or **structure** erected on the **lot** must be wholly located within the areas delineated by heavy lines shown on Diagram 4 of By-law [Clerks to supply by-law ##].
- (L) Despite (K) above, the following elements may be located outside of the heavy lines on Diagram 4 of By-law [Clerks to supply by-law ##], up to a maximum of 3.0 metres:
- (i) Canopies, awnings, balconies, terraces, **building** cornices, light fixtures, ornamental or architectural elements, parapets, trellises, window sills, fences, safety railings, guardrails, balustrades, railings, stairs, stair enclosures, wheelchair ramps, overhangs, landscape elements, screens, planters, underground garage ramps and their associated **structures**, retaining walls, air shafts, garbage storage areas, public art, transformer vaults and elements required for the functional operation of the **building**.
- (M) The required minimum height of the first **storey**, measured between the floor of the first **storey** and the ceiling of the first **storey**, must be 2.57 metres;
- (N) **Amenity space** must be provided and maintained on Parcel A, as outlined by heavy lines on Diagram 3 of By-law [Clerks to supply by-law ##], as follows:
- (i) The greater of 380 square metres, or 2.0 square metres for each **dwelling unit** as indoor **amenity space** and

- (ii) The greater of 246 square metres or 1.29 square metres for each **dwelling unit** as outdoor **amenity space**;
- (O) A minimum of 10 percent of the **dwelling units** constructed on Parcel A, as delineated by a heavy line on Diagram 3 of by-law [Clerks to supply by-law ##], must be provided as three-bedroom **dwelling units** with a minimum unit size of 92.9 square metres;
- (P) A minimum of one type "G" **loading space** must be provided on the **lot**;
- (Q) A minimum of one type "C" **loading space** must be provided on the **lot**;
- (R) **Parking spaces** must be provided on the **lot** in accordance with the following minimum requirements:
 - (i) A minimum of 85 **parking spaces** for residents; and
 - (ii) A minimum of 11 parking spaces for visitors;
- (S) The required minimum above-ground distance between a **main wall** with windows and openings facing another **main wall** with windows and openings on the same **lot** must be a minimum of 6.0 metres;
- (T) No landscaping or fencing is required along any portion of a **lot line** that abuts a property in the Residential Zone category;
- (U) The **vehicle** entrance and exit and two-way **driveway** to any Type "C" loading space provided at ground level must have a minimum width of 5.15 metres;
- (V) Each stacked **bicycle parking space** must have a minimum vertical clearance of 1.2 metres and a minimum width of 0.46 metres;
- (W) A minimum of 190 **bicycle parking spaces** must be provided for the use of the **lot**, to consist of:
 - (i) A minimum of 172 long term **bicycle parking spaces** must be provided on the **lot**;
 - (ii) A minimum of 14 short term bicycle parking spaces must be provided on the **lot**; and
 - (iii) A minimum of 5 short term **bicycle parking spaces** may be provided on the **lot** and/or within the public right-of-way adjacent to the **lot**;
- (X) None of the provisions of this By-law will apply to prevent a temporary sales office from being erected or used on the **lot**; and

- (Y) Notwithstanding any existing or future severances, partition, or division of the **lot**, the provisions of this By-law will apply to the whole of the **lot** as if no severance, partition, or division had occurred.

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

5. 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; and
- (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 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 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 issuance of an above grade building permit (other than a building permit for a temporary sales office/pavilion) the owner shall provide a financial contribution to the City to be used for community benefits in the amount of \$1,000,000 to be used towards the following, all to the satisfaction of the Chief Planner and Executive Director of City Planning in consultation with the Ward Councillor:
 - (i) a cash contribution of \$ 600,000 towards community services, facilities, parkland acquisition and/or parkland improvements in the Grange Community to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the General Manager Parks, Forestry, and Recreation in consultation with the Ward Councillor;
 - (ii) a cash contribution of \$200,000 towards landscaping improvements in the public realm on McCaul Street and in the Grange Community, to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor and the Grange Community Association;
 - (iii) a cash contribution of \$100,000 for the provision of new affordable housing in Ward 20; and
 - (iv) a cash contribution of \$100,000 for capital repairs to existing Toronto Community Housing buildings in Ward 20.

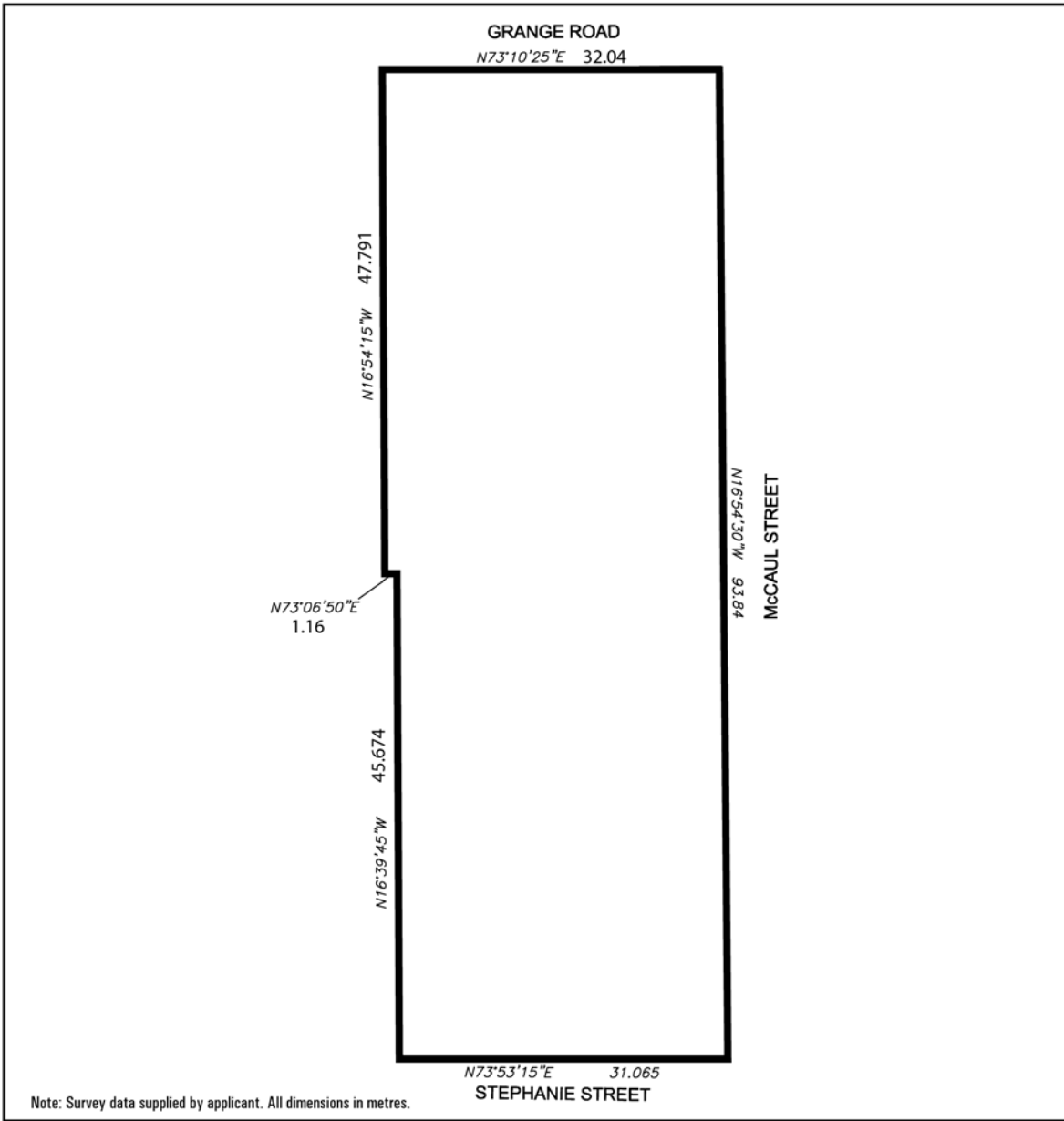
with such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date the payment is made.

- (2) Prior to Condominium Registration the owner shall:
 - (i) convey and register, for nominal consideration, a non-exclusive easement in perpetuity in favour of the City, for use by the City, University Settlement House and the general public for a pedestrian thoroughfare, as identified as Area B in Diagram 5. The pedestrian thoroughfare will be to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning, with the specific location, configuration and design to be determined to the satisfaction of the Chief Planner and Executive Director, City Planning, as part of the site plan approval process for all or any part of the site. The maintenance of this pedestrian thoroughfare is to be the responsibility of the owner; and

- (ii) convey and register, for nominal consideration, a non-exclusive easement in perpetuity in favour of the City, for use by the general public as publicly-accessible, privately-owned, open space at the south end of the site with a minimum area of 195 square metres, as identified as Area A in Diagram 5, to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning. The specific configuration and design to be determined to the satisfaction of the Chief Planner and Executive Director, City Planning, as part of site plan approval, and to come into effect on the first residential or non-residential occupancy. The maintenance of this publicly-accessible, privately-owned, open space is to be the responsibility of the owner.

In the event that the Mixed Use Building does not proceed by way of Condominium tenure, the City shall have a right to require that the POPS Easement and Thoroughfare Easement be conveyed in the same manner and subject to the same conditions as described in this Section, on demand, provided that a minimum of two (2) years have elapsed since the first Above Grade Building Permit has been issued.

- (3) The owner shall be financially responsible for all costs associated with the excavation, improvement, removal and/or relocation of any above or below-grade public or private utility resulting from the development of this property.
- (4) Prior to the issuance of the first building permit, the owner will submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor and thereafter in support of the development, will implement the plan during the course of construction. The Construction Management Plan will include, but not limited to, details regarding size and location of construction staging areas, dates and significant concrete pouring activities, measures to ensure safety lighting does not negatively impact adjacent residences, construction vehicle parking locations, refuse storage, site security, site supervisor contact information, continued access to the emergency exit and daycare at University Settlement House, continued access to parking at St. George the Martyr Anglican Church, the impact of construction on the heritage building at St. George the Martyr Anglican Church, and any other matters deemed necessary.
- (5) In the event the cash contribution(s) 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 purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.



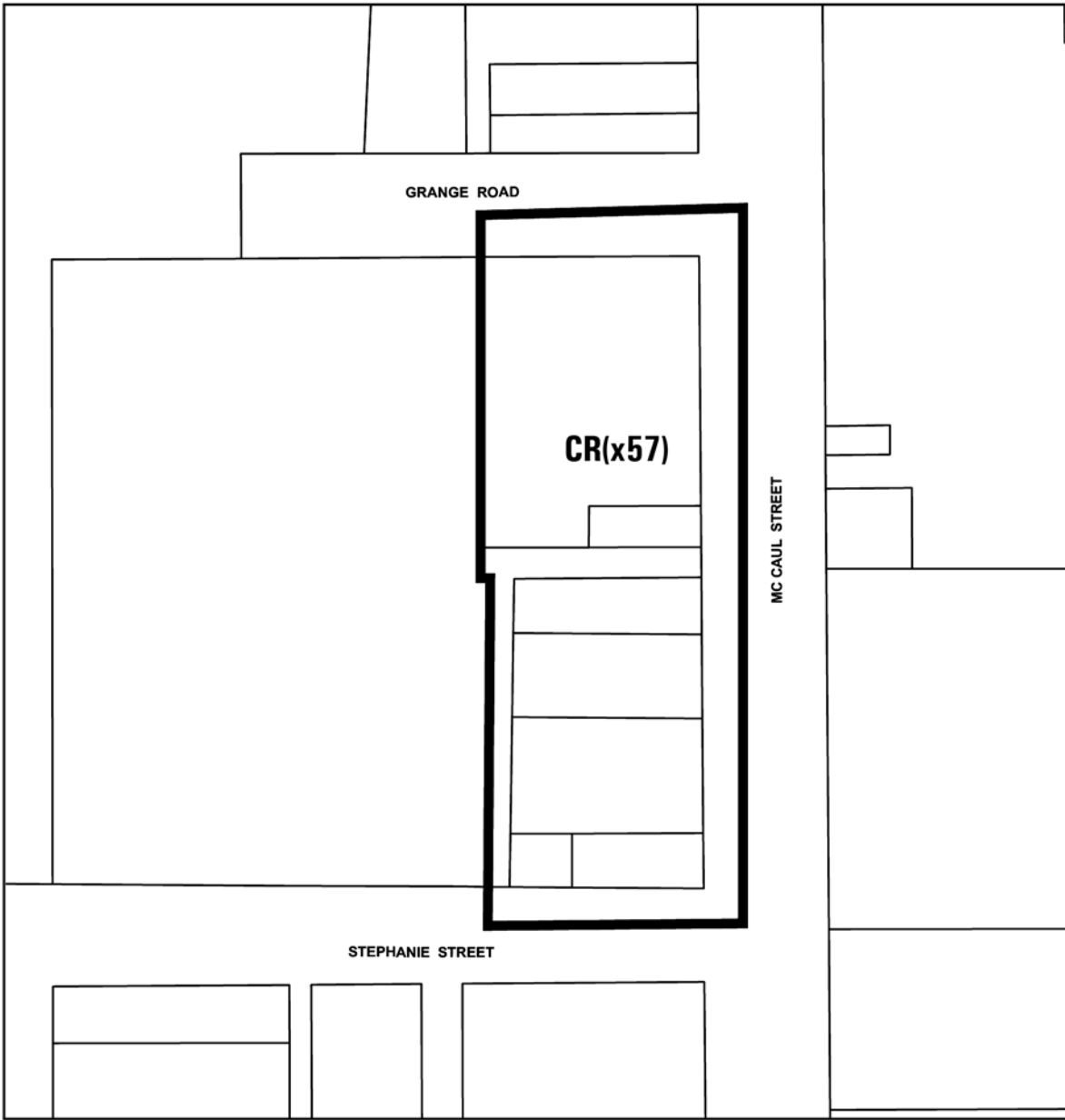
40-60 McCaul Street and 10 Stephanie Street

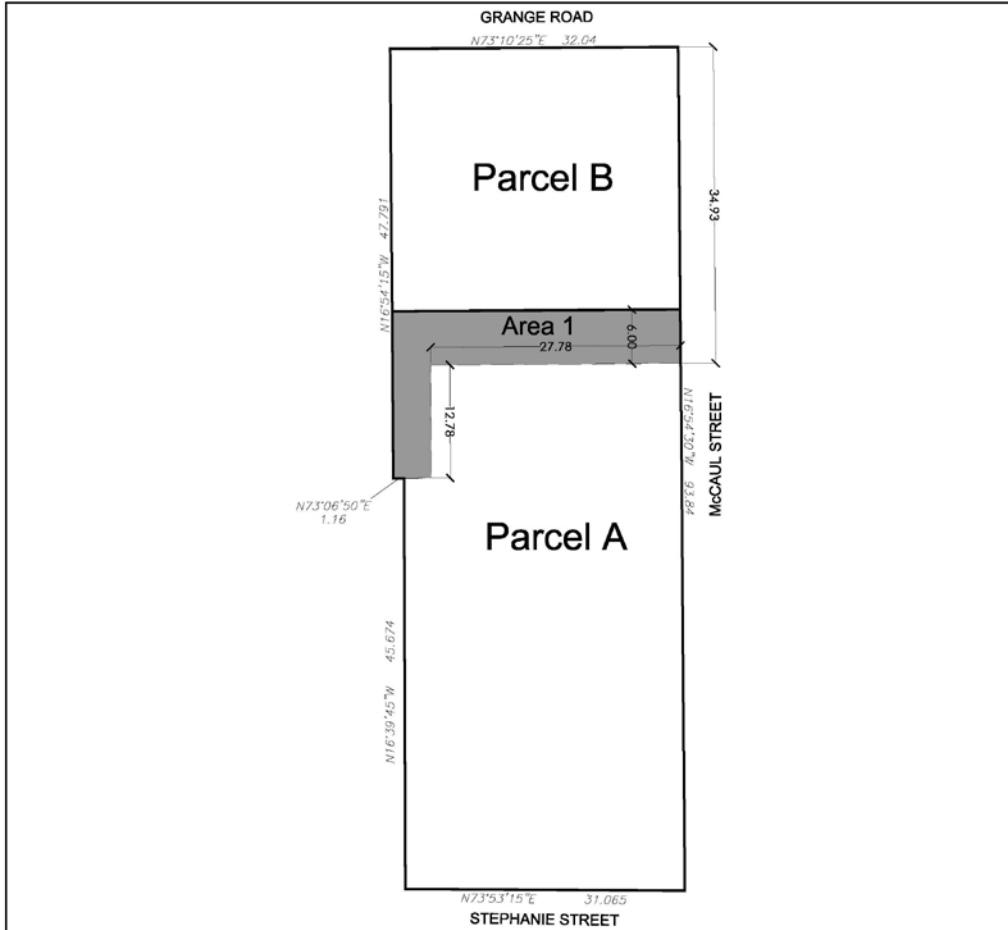
Diagram 1

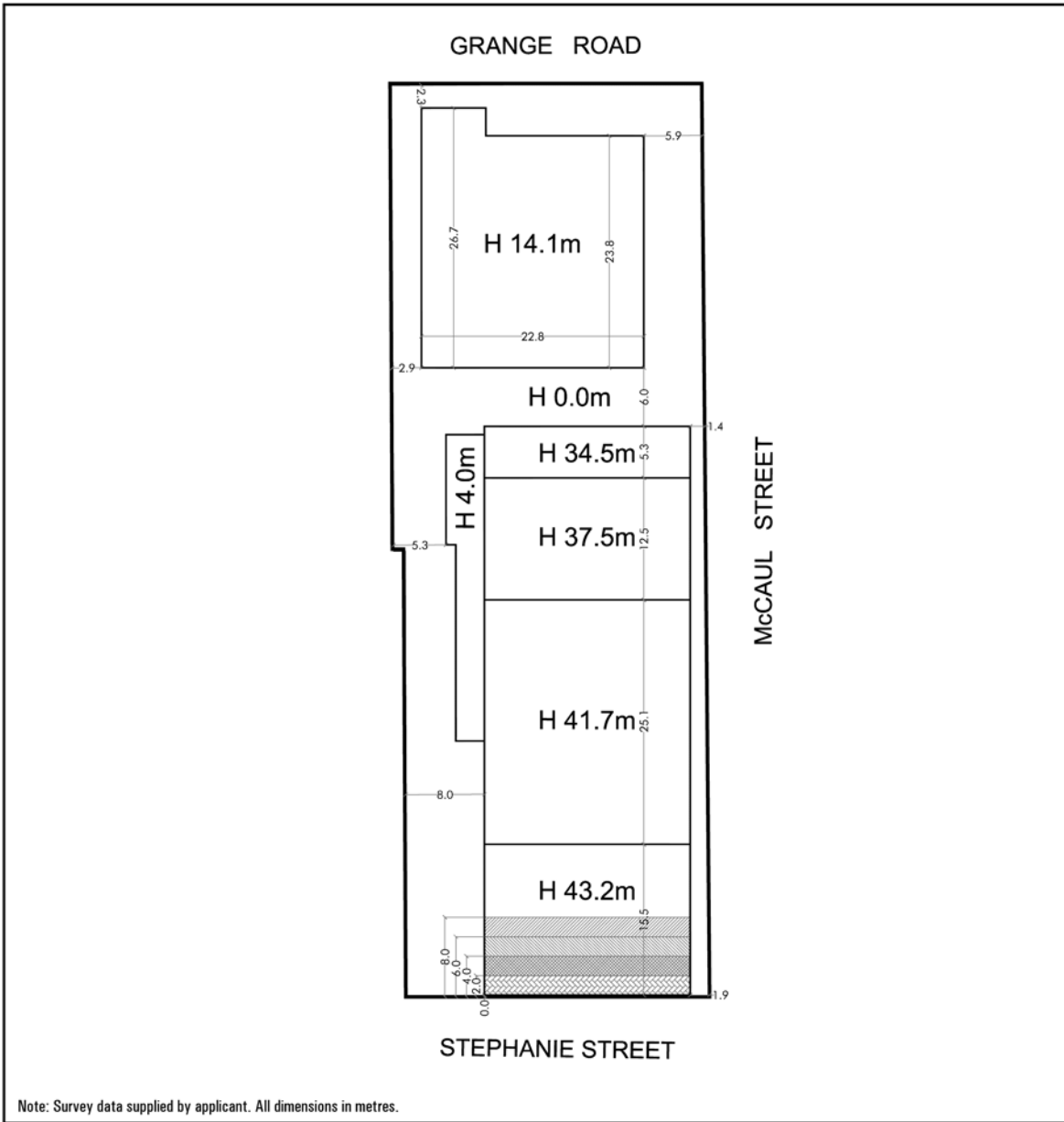
File # 14 174774 STE 20 0Z



Not to Scale
01/17/2017











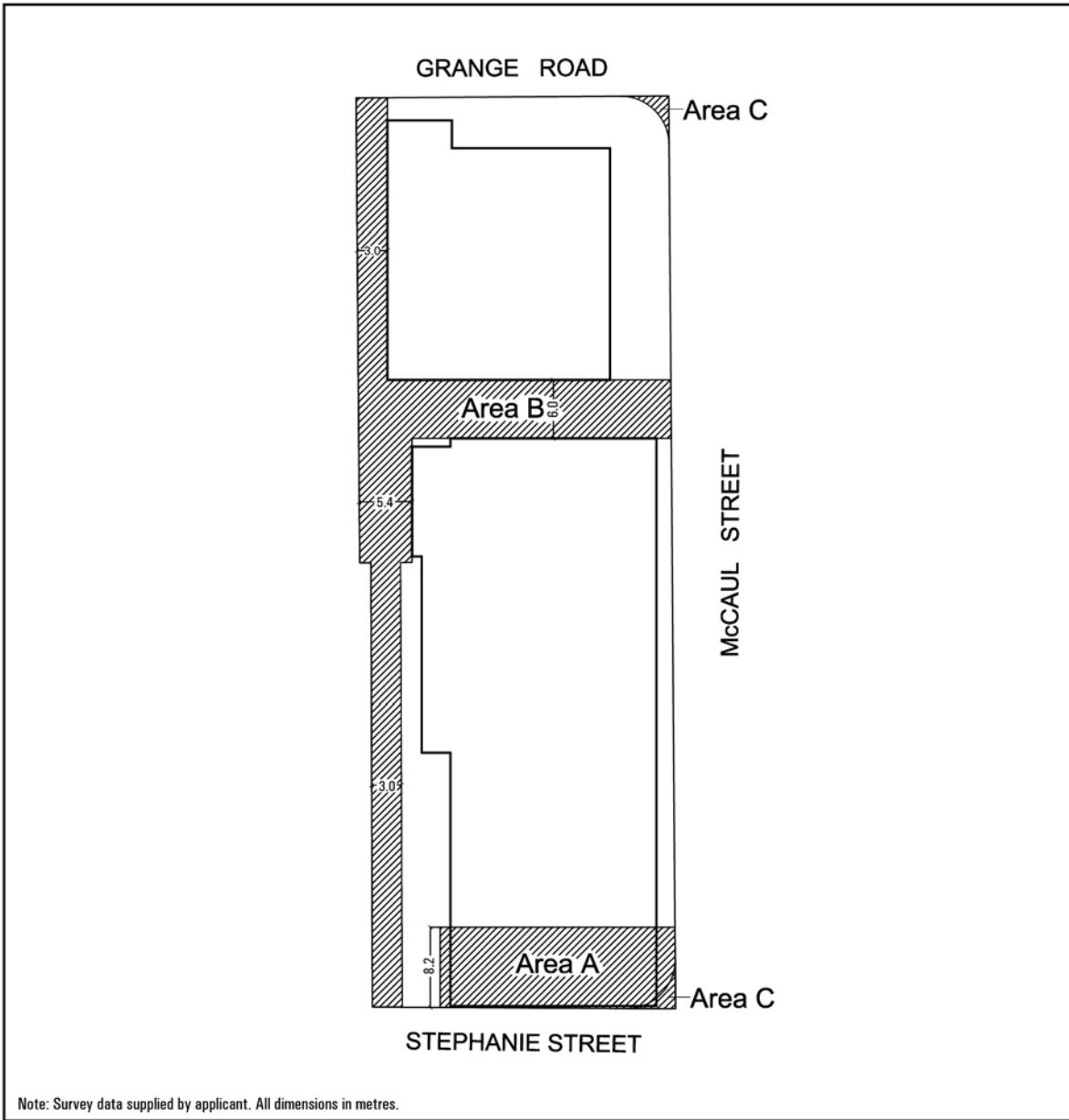
40-60 McCaul Street and 10 Stephanie Street

Diagram 4

File # 14 174774 STE 20 OZ

- The Cantilevered Portion of the Building Shall Commence:**
-  No less than 8.5m above grade and shall be no greater than 43.2m in height
 -  No less than 14.1m above grade and shall be no greater than 43.2m in height
 -  No less than 19.6m above grade and shall be no greater than 43.2m in height
 -  No less than 33.6m above grade and shall be no greater than 43.2m in height


 Not to Scale
 01/27/2017



40-60 McCaul Street and 10 Stephanie Street

Diagram 5

File # 14 174774 STE 20 0Z

↑
Not to Scale
01/18/2016