

**Honest Ed’s and Mirvish Village
571 to 597 Bloor Street West, 738 to 782 Bathurst Street,
26 to 38 Lennox Street, 581 to 603 and 588 to 612
Markham Street - Official Plan Amendment, Zoning By-
law Amendment Applications - Supplementary Report**

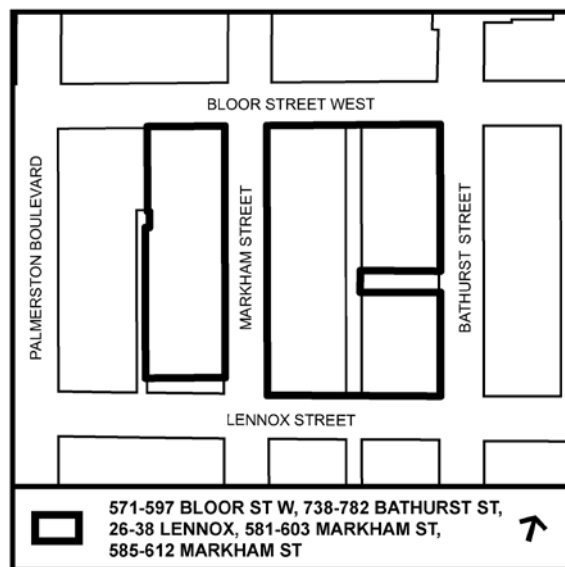
Date:	April 3, 2017
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 19 – Trinity-Spadina
Reference Number:	15 188751 STE 19 OZ (East Block) 15 188805 STE 19 OZ (West Block)

SUMMARY

On July 10, 2015, the City Planning Division received applications to amend the Official Plan and Zoning By-laws to redevelop a number of properties bordered by Bloor Street West, Bathurst Street, Lennox Street, and Markham Street, as well as a number of properties on the west side of Markham Street, known locally as the site of Honest Ed’s and Mirvish Village.

A Final Report dated March 17, 2017 from the Director, Community Planning, Toronto and East York District, summarizes the proposed development, discusses the relevant policies and planning direction applicable to the site, summarizes community comments and recommends approval of the applications with conditions.

This report provides supplementary information to the Final Report related to the provision of affordable housing and community and cultural space within the development and includes Draft By-law amendments.



For convenience, the recommendations of the Final Report are restated, with modifications as presented in this Supplementary Report.

RECOMMENDATIONS

The City Planning Division recommends that the recommendations from the Report (March 17, 2017) from the Director, Community Planning, Toronto and East York District are deleted and replaced with the following:

1. City Council amend the Official Plan for the lands at 571 to 597 Bloor Street West, 738 to 782 Bathurst Street, 26 to 38 Lennox Street, 581 to 603 and 588 to 612 Markham Street, substantially in accordance with the draft Official Plan Amendment No. 378, attached as Attachment No. 6 to the report (March 17, 2017) from the Director, Community Planning, Toronto and East York District;
2. City Council amend Zoning By-law 438-86, as amended, for the lands at 571 to 597 Bloor Street West, 738 to 782 Bathurst Street, 26 to 38 Lennox Street, 581 to 603 and 588 to 612 Markham Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1 to the report (April 3, 2017) from the Director, Community Planning, Toronto and East York District;
3. City Council amend Zoning By-law 569-2013, as amended, for the lands at 571 to 597 Bloor Street West, 738 to 782 Bathurst Street, 26 to 38 Lennox Street, 581 to 603 and 588 to 612 Markham Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 2 to the report (April 3, 2017) from the Director, Community Planning, Toronto and East York District;
4. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment (and/or) draft Zoning By-law Amendments as may be required;
5. Before introducing the necessary bills contemplated in recommendations 1, 2 and 3 to City Council for enactment, City Council require the owner(s) to:
 - i. Enter into Heritage Easement Agreements with the City for the properties at 738, 740, 742, 744 Bathurst Street, 585 Bloor Street West and 581, 583, 585, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 600, 602, 610 Markham Street, all to the satisfaction of the Senior Manager, Heritage Preservation Services and the City Solicitor, and in accordance with the recommendations of the Staff report to the Toronto Preservation Board and Toronto, (March 7, 2017) from the Senior Manager Heritage Preservation Services, City Planning Division, with such agreement to be registered on title to the subject properties prior to the earlier of the coming into force of the Zoning By-law and Official Plan Amendments giving rise to the proposed alterations, or the issuance of any permit for all or any part of the properties, including a heritage permit or a building permit, but excluding permits for such repairs and maintenance and usual and minor works for the

existing heritage buildings as are acceptable to the Senior Manager, Heritage Preservation Services; and

- ii. Provide a Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the Heritage Impact Assessment for the properties at 738, 740, 742, 744 Bathurst Street, 585 Bloor Street West and 581, 583, 585, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 600, 602, 610 Markham Street, all to the satisfaction of the Senior Manager, Heritage Preservation Services, in accordance with the recommendations of the Staff report to Toronto Preservation Board (March 7, 2017) from the Senior Manager Heritage Preservation Services, City Planning Division.
6. Before introducing the necessary bills contemplated in recommendations 1, 2 and 3 to City Council for enactment, City Council require the owner(s) to enter into an Agreement(s) pursuant to Section 37 of the Planning Act satisfactory to the City Solicitor, together with satisfactory provisions in the amending By-laws, to secure the following, at the owner's expense, in connection with 571 to 597 Bloor Street West, 738 to 782 Bathurst Street, 26 to 38 Lennox Street, 581 to 603 and 588 to 612 Markham Street, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor, with such agreement to be registered to the satisfaction of the City Solicitor prior to the earlier of the bills coming into force, or the issuance of any permit for all or any part of the properties, including a heritage permit or a building permit, but excluding permits for such repairs and maintenance and usual and minor works for the existing heritage buildings as are acceptable to the Senior Manager, Heritage Preservation Services:
 - i. Prior to issuance of the first above-grade building permit, the owner shall enter into a Contribution Agreement to design, construct, and contribute to affordable rental housing dwelling units, at a minimum value of \$4,000,000.00, within the approved development at 571 to 597 Bloor Street West, 738 to 782 Bathurst Street, 26 to 38 Lennox Street, and 581 to 603, with terms being to the satisfaction of then Director, Affordable Housing Office and the City Solicitor, in consultation with the Ward Councillor, and shall provide such affordable rental housing dwelling units in accordance with such agreement(s) to be entered into with the City, all to the satisfaction of the Director, Affordable Housing Office, the Chief Planner and Executive Director, City Planning Division and the City Solicitor;
 - ii. Prior to the issuance of the first above-grade permit, the owner will make efforts to the satisfaction of the Affordable Housing Office, in consultation with the Ward Councillor, to secure additional funding and/or beneficial financing arrangements in support of the provision of additional Affordable Housing through federal (CMHC or otherwise), provincial, and/or municipal funding programs (such as "Open Door" or other) so as to increase the provision of Affordable Rental Housing on-site to a target of 20% of total dwelling units;

- iii. The owner will design, construct, equip and finish, a non-profit community and/or cultural space within the approved development, to be leased or conveyed to the City, at no cost to the City within the approved development, with direct access from a public right-of way and/or POPS, at a minimum value of \$1,000,000.00. The City may, at its sole discretion, elect to receive a financial contribution of a minimum of \$1,000,000.00 for use towards community and/or cultural space. Both options shall be to the satisfaction of the Director, Real Estate Services and the Chief Planner and Executive Director, City Planning Division, in consultation with the City Solicitor and the Ward Councillor;

- iv. The owner shall agree to provide the following, to the satisfaction of the General Manager, Transportation Services, Executive Director, Engineering and Construction Services, the Director, Real Estate Services, the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, in consultation with the Ward Councillor:
 - a. Prior to Site Plan Approval, the owner shall submit a plan detailing improvements to the public realm to be implemented in support of the development, which will include, but not be limited to, details regarding hard and soft landscaping, paving and curbing details, sidewalk treatment, outdoor seating, and cycling facilities, and TTC bus/streetcar shelters, located on both public and private lands;

 - b. The plan required in Recommendation 6(iv)(a), above, will include a streetscape improvement plan for Markham Street between Lennox Street and Bloor Street West. The streetscape improvements will be to an enhanced standard beyond the City's typical streetscape design guidelines in the immediate vicinity of the site, in the area identified as Markham Street, between Lennox Street and Bloor Street West;

 - c. The owner will construct the approved streetscape improvements required in Recommendation 6(iv)(a) and (b), above by no later than 2 years following the first residential or commercial occupancy;

 - d. The owner will maintain all improvements located on private property and those required in Recommendation 6(iv)(b)above;

 - e. Prior to the issuance of the first above grade building permit, the owner shall provide an indexed letter of credit in the amount of the cost of all works required in Recommendation 6(iv)(a)above; and

 - f. Prior to the issuance of the first above grade building permit, the owner shall provide an indexed letter of credit to the City in the amount of \$500,000.00, as security for the completion of the approved enhanced streetscape improvements required in Recommendation 6(iv)(b), above.

- v. Prior to the issuance of Final Site Plan approval, the owner will convey to the City for nominal consideration, Publicly-Accessible Privately Owned Space (POPS) easements over the proposed re-designed and privately-owned Honest Ed's Alley, and, if necessary, over the proposed privately-owned east-west public access route, to provide public access for use by the general public, which easements shall include provisions for rights of support if necessary, and insurance and indemnification of the City by the owner, to the satisfaction of Director, Real Estate Services, the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, in consultation with the Ward Councillor. The public access easements are to be conveyed to the City free and clear of all physical and title encumbrances unless otherwise agreed to by City Planning and the City Solicitor. The owner shall own, operate, maintain and repair the POPS. The owner shall install and maintain a centralized sign, at its own expense, in accordance with the City of Toronto POPS urban design Guidelines, stating that members of the public shall be entitled to use the POPS at any time, 365 days a year, with any changes to terms and conditions being satisfactory to the Chief Planner and Executive Director, City Planning Division;
- vi. The owner will provide public art at the site to a minimum value of \$500,000.00 to be secured by way of an indexed letter of credit in the amount of \$500,000.00 provided by the owner to the City prior to the issuance of the first above grade building permit. Prior to the issuance of the first above-grade building permit, the owner will submit a plan detailing the possible locations of any public art installations on the site, to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor;
- vii. Prior to issuance of the first above grade building permit, the owner shall submit a Wind Study, satisfactory to the Chief Planner and Executive Director, City Planning, including wind tunnel analysis, which identifies recommendations for the pedestrian realm and the outdoor areas of the podiums to mitigate wind impacts year-round, and the owner shall implement and maintain in support of the development all recommended mitigation measures to the satisfaction of the Chief Planner and Executive Director, City Planning;
- viii. Prior to the earlier of the issuance of the final building permit for any building on the site, or any residential or commercial use of the site within a building constructed on the site east of Markham Street, after the date of this by-law, and in support of the development, the owner shall, at its sole expense, design and construct, at no cost to the City, improvements to the Lennox Street and Bathurst Street intersection intended to facilitate left turn movements, to the satisfaction of the General Manager of Transportation Services;
- ix. Prior to any new any residential or commercial use of the site within a building constructed on the site west of Markham Street, the owner will design, construct, provide and thereafter maintain a below-grade pedestrian and maintenance connection beneath Markham Street, (the "Markham Street Maintenance Tunnel"),

at its sole expense, and will be responsible for any and all costs related to the relocation of any underground utilities to facilitate the connection, and will provide the City with an indemnity, satisfactory insurance, a security in the form of indexed letters of credit related to the construction and ongoing maintenance of the connection, all to the satisfaction of the General Manager, of Transportation Services;

- x. The owner will enter into an agreement with the City to secure, at the sole cost of the owner, the design, construction, and ongoing maintenance of the Markham Street Maintenance Tunnel in Recommendation 6(ix), above, to the satisfaction of the General Manager of Transportation Services;
- xi. Prior to the issuance of the first above-grade building permit, the owner shall design and construct, at no cost to the City, any required improvements to municipal infrastructure identified in the Functional Servicing and Stormwater Management Report, prepared by Cole Engineering, signed and sealed December 19, 2016, to the satisfaction of the Executive Director of Engineering and Construction Services and the General Manager of Transportation Services;
- xii. Prior to the issuance of the first above-grade permit, the owner will submit plans detailing the location of the proposed Neighbourhood Energy Facility, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and other necessary civic officials, in consultation with the Ward Councillor;
- xiii. Prior to the commencement of any excavation and shoring work, 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 shall implement the plan during the course of construction. The Construction Management Plan will include, but not be limited to, the size and location of construction staging areas, location and function of gates, information on concrete pouring, lighting details, construction vehicle parking and queuing locations, refuse storage, site security, site supervisor contact information, a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning, the General Manager of Transportation Services, in consultation with the Ward Councillor;
- xiv. Prior to the earlier of the issuance of the final building permit for any building on the site, or any residential use of the site within a building erected on the site after the date of this by-law:
 - a. in accordance with Section 42 of the Planning Act, the owner shall convey to the City, an on-site parkland dedication, having a minimum size of 1,150 square metres with a minimum of 22.0 metres of frontage on Markham Street, situated on the west side of Markham Street, south of Bloor Street, as

shown generally on the Site Plan, dated May 21, 2015, revised December 19, 2016 drawing number A0.05, prepared by Henriquez Partners Architects, in accordance with the following and all to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor;

- b. The on-site parkland dedication identified in recommendation 6(xiv)(a) shall be conveyed to the City in its entirety in one transaction;
 - c. Prior to conveyance of the lands to the City, the owner shall be responsible for an environmental assessment of the land and any associated costs or remediation works required as a result of that assessment. Such assessment or remediation shall ensure that the parkland will meet all applicable laws, regulations and guidelines respecting the site to be used for public park purposes, including City Council policies respecting soil remediation of sites. A qualified environmental consultant acceptable to the Executive Director of Engineering and Construction Services shall prepare the environmental assessment. Prior to transferring the parkland to the City, the environmental assessment shall be peer reviewed by an environmental consultant retained by the City at the owner's expense (the "Peer Reviewer"), and the transfer of the parkland shall be conditional upon the Peer Reviewer concurring within the owner's environmental consultant that the parkland meets all applicable laws, regulations and guidelines for public park purposes; and,
 - d. The owner's environmental consultant shall file a Record of Site Condition (RSC) on the Ontario's Environmental Site Registry and submit to the General Manager of Parks, Forestry and Recreation the Ministry of the Environment and Climate Change (MOECC) Letter of Acknowledgement of Filing of the Record of Site Condition (RSC) confirming that the RSC has been prepared and filed in accordance with O. Reg. 153/04 and that the MOECC will not audit the RSC at this time or that the RSC has passed an MOECC audit.
- xv. The owner acknowledges that the remaining Section 42 parkland dedication requirement not fulfilled through the required on-site land conveyance, as set out under Recommendation 6(xiv), above, shall be satisfied through a cash-in-lieu of parkland payment, to the satisfaction of the General Manager of Parks, Forestry and Recreation. The amount of cash-in-lieu to be paid will be determined at the time of issuance of the first above grade building permit and provided to the City as follows:
- a. The owner shall provide the first 5% of the cash-in-lieu funds to the City in the form of a certified cheque, and
 - b. The owner shall provide the remainder the cash-in-lieu funds in the form of an indexed letter of credit. These remaining monies will be directed towards

the Above Base Park Improvements of the on-site parkland dedication. The owner shall construct the Above Base Park Improvements to the amount of the indexed Letter of Credit, or such lesser amount determined by the General Manager of Parks, Forestry and Recreation, with any unused amount directed to park improvements in Wards 19 and 20, all to the satisfaction of the General Manager of Parks, Forestry and Recreation;

- xvi. The owner will provide and maintain a minimum of 10% of the total number of residential units as three-bedroom units, 20% of the total number of residential units as two-bedroom units, and a minimum of 35% of the total number of dwelling units, shall be two and three bedroom units, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- xvii. The owner agrees that no dwelling units within the development shall form part of an application for Condominium Registration for a minimum of twenty-five (25) years from the date upon which the final new purpose-built rental dwelling unit in the final building to be constructed is occupied;
- xviii. Prior to Final Site Plan approval for the site or any portion of the site:
 - a. the owner shall provide Final Site Plan drawings, including drawings related to and implementing the approved Conservation Plan, all to the satisfaction of the Manager, Heritage Preservation Services;
 - b. the related site specific Official Plan and Zoning By-law amendments giving rise to the proposed heritage alterations shall be in full force and effect in a form and with content acceptable to City Council, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Manager, Heritage Preservation Services;
 - c. The owner shall provide a Lighting Plan that describes how the heritage properties will be sensitively illuminated to enhance their heritage character to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager Heritage Preservation Services;
 - d. The owner shall provide a detailed landscape plan for the subject properties, satisfactory to the Senior Manager, Heritage Preservation Services; and
 - e. The owner shall have obtained City Council approval for the alterations pursuant to the Ontario Heritage Act;
- xix. Prior to the issuance of any permit for all or any part of the site, including a heritage permit or a building permit, but excluding permits for (i) repairs and maintenance and usual and minor works for the existing heritage buildings, and (ii)

such interior alterations that do not affect the exterior buildings features, as are acceptable to the Senior Manager, Heritage Preservation Services:

- a. the related Zoning By-law and Official Plan amendments giving rise to the proposed alterations (the Alterations) to the site shall be in full force and effect in a form and with content acceptable to City Council, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Senior Manager, Heritage Preservation Services;
- b. the owners shall have registered the agreements required in Recommendation 5(i) and 6, above being the Heritage Easement Agreements, and the Section 37 Agreements for the site, all to the satisfaction of the City Solicitor;
- c. the owner shall have obtained Final Site Plan Approval for the Alterations permitted by City Council for the site, issued by the Chief Planner and Executive Director, City Planning, and with content acceptable to the Manager, Heritage Preservation Services;
- d. the owner shall provide full building permit drawings, which implements the approved Conservation Plan and including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant, all to the satisfaction of the Manager, Heritage Preservation Services;
- e. the owner shall provide an Interpretation Plan(s) for the site, to the satisfaction of the Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of such Manager;
- f. the owner shall provide an Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Manager, Heritage Preservation Services to secure all work included in the approved Conservation Plan, the approved Lighting Plan and the approved Interpretation Plan;
- g. the owner shall provide full documentation of the existing buildings at 599-601 Markham Street and 760 Bathurst Street, including two (2) printed sets of archival quality 8" x 10" colour photographs with borders in a glossy or semi-gloss finish and one (1) digital set on a CD in tiff format and 600 dpi resolution keyed to a location map, elevations and measured drawings, and copies of original drawings as may be available, to the satisfaction of the Senior Manager, Heritage Preservation Services; and
- h. The owner shall provide indexed letter(s) of credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the

Senior Manager, Heritage Preservation Services to secure all work included in the approved Conservation Plan and Interpretation Plan required in accordance with Recommendations 5(ii) and 6(xix)(c), above;

- xx. Prior to the release of the Letter of Credit required in Recommendation 6(xix)(f), above the owner shall:
 - a. provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the conservation work and the interpretive work have been completed in accordance with the approved Conservation Plan and the approved Interpretation Plan, and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Preservation Services; and
 - b. provide replacement Heritage Easement Agreement photographs for the site to the satisfaction of the Senior Manager, Heritage Preservation Services;

- xxi. Notwithstanding the requirements of Recommendation 5 above, prior to the issuance of any heritage permit or building permit for:
 - a. the removal of rear additions to the properties at 581, 583, 585, 591, 593, 595, 597, 588, 590, 592, 594, 600 and 602 Markham Street, and (ii) the demolition of the buildings on the properties at 599 and 601 Markham Street and 760 Bathurst Street:
 - I. The owner shall have registered the heritage easement agreements required in accordance with Recommendation 5(i) and the section 37 agreement required in accordance with Recommendation 6, on title to the subject properties; and
 - II. The related Official Plan Amendment and Zoning By-law Amendment giving rise to the proposed alterations shall be in full force and effect in a form and with content acceptable to the City Council, as determined by the Chief Planner and Executive Director, City Planning Division, in consultation with the Senior Manager, Heritage Preservation Services;
 - III. Notice of Approval Conditions for site plan approval for the alterations permitted in Recommendation 6(xix) shall have been issued by the Chief Planner and Executive Director, City Planning in consultation with the Senior Manager, Heritage Preservation Services;
 - IV. The owner shall provide an acknowledgement in writing satisfactory to the Chief Planner and Executive Director, City Planning, acknowledging the owner's acceptance and agreement with the terms

of such Notice of Approval Conditions, subject to such amendments as are satisfactory to the Chief Planner and Executive Director;

- V. The owner shall provide full building permit drawings, which implement the approved Conservation Plan, for such alterations and removals including notes and specifications for the protective measures keyed to the approved Conservation Plan, all to the satisfaction of the Senior Manager, Heritage Preservation Services; and
 - VI. The owner shall 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 Preservation Services to secure the safety of the buildings during such alterations and removals to 581, 583, 585, 591, 593, 595, 597, 588, 590, 592, 594, 600 and 602 Markham Street included in the approved Conservation Plan;
 - VII. The owner shall provide full documentation of the existing buildings at 599-601 Markham Street and 760 Bathurst Street, including two (2) printed sets of archival quality 8" x 10" colour photographs with borders in a glossy or semi-gloss finish and one (1) digital set on a CD in tiff format and 600 dpi resolution keyed to a location map, elevations and measured drawings, and copies of original drawings as may be available, to the satisfaction of the Senior Manager, Heritage Preservation Services.
- b. (i) shoring, excavation and foundation work (the "Foundation Works"), (ii) the removal of portions of the building at 585 Bloor Street West, and (iii) the removal and relocation of the building at 610 Markham Street:
- I. The owner shall have registered the heritage easement agreements required in accordance with Recommendation 5(i) on title to the properties and the section 37 agreement required in accordance with Recommendation 6, on title to the subject properties; and
 - II. The related site specific Official Plan Amendment and Zoning By-law Amendments giving rise to the proposed alterations have been enacted by City Council and have come into full force and effect in a form and with content acceptable to City Council, as determined by the Chief Planner and Executive Director, City Planning Division, in consultation with the Senior Manager, Heritage Preservation Services;
 - III. The owner shall have entered into and registered the related site plan agreement pursuant to S. 114 of the City of Toronto Act, 2006, for the alterations approved in accordance with Recommendation 5 and

implementing the approved Conservation Plan, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning, in consultation with the Senior Manager, Heritage Preservation Services;

IV. The owner shall have provided full building permit drawings for the Foundation Works, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan(s), 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 Preservation Services;

xxii. The financial contributions, securities and letters of credit required in Recommendations 6 (i), (iii) (iv), (vi), (ix), (xiv), (xv), (xix), (xxi) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period beginning from the date of the execution of the Section 37 Agreement to the date of payment;

7. Prior to the introduction of the Bills for the Official Plan Amendment and Zoning By-Law Amendments to City Council for enactment, the owner shall have entered into an agreement to purchase the public lane known as Honest Ed's Alley (the "Lane") from the City, conditional upon City Council approving the permanent closure of the Lane, and subject to the necessary approvals being granted by the appropriate City authorities to declare the Lane surplus and authorize the sale of the Lane to the owner, all to the satisfaction of the City Solicitor and the Director of Real Estate Services;
8. Prior to the earlier of the issuance of the final building permit for any building on the site, or any residential use of the site within a building erected on the site after the date of the Zoning by-law:
 - a. in accordance with Section 42 of the Planning Act, the owner shall convey to the City, an on-site parkland dedication, having a minimum size of 1,150 square metres with a minimum of 22.0 metres of frontage on Markham Street, situated on the west side of Markham Street, south of Bloor Street, as shown generally on the Site Plan, dated May 21, 2015, revised December 19, 2016 drawing number A0.05, prepared by Henriquez Partners Architects, in accordance with the following and all to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor;
 - b. Prior to conveyance of the lands to the City, the owner shall be responsible for an environmental assessment of the land and any associated costs or remediation works required as a result of that assessment. Such assessment or remediation shall ensure that the parkland will meet all applicable laws, regulations and guidelines respecting the site to be used for public park purposes, including City Council policies respecting soil remediation of sites. A qualified environmental consultant acceptable

to the Executive Director of Engineering and Construction Services shall prepare the environmental assessment. Prior to transferring the parkland to the City, the environmental assessment shall be peer reviewed by an environmental consultant retained by the City at the owner's expense (the "Peer Reviewer"), and the transfer of the parkland shall be conditional upon the Peer Reviewer concurring within the owner's environmental consultant that the parkland meets all applicable laws, regulations and guidelines for public park purposes; and,

- c. The owner's environmental consultant shall file a Record of Site Condition (RSC) on the Ontario's Environmental Site Registry and submit to the General Manager of Parks, Forestry and Recreation the Ministry of the Environment and Climate Change (MOECC) Letter of Acknowledgement of Filing of the Record of Site Condition (RSC) confirming that the RSC has been prepared and filed in accordance with O. Reg. 153/04 and that the MOECC will not audit the RSC at this time or that the RSC has passed an MOECC audit.
9. City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation (PFR). The development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements above and beyond the cash-in-lieu funds identified Recommendation 6(xiv), as approved by the General Manager, PFR, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time;
 10. The Zoning Bylaws shall include a provision requiring the owner to provide and maintain a minimum of 35 vehicle parking spaces for the exclusive use of visitors to the residential units, between the hours of 6:00 PM and 6:00 AM on Mondays through Thursdays and from 6:00 PM on Fridays until 6:00 AM on Mondays;
 11. City Council authorize and direct the Director, Affordable Housing Office, to negotiate and execute an agreement or agreements identified in Recommendation 6 (i) and (ii), above, with the owner, to secure affordable housing, in a form satisfactory to the City Solicitor;
 12. City Council direct the Director, Affordable Housing Office, in consultation with the Chief planner and Executive Director, City Planning Division, the City Solicitor, and the Ward Councillor, to report to Toronto and East York Community Council with details on an Affordable Rental Housing Plan for the site pursuant to Recommendation 6(i),(ii), and 11, above in the 3rd Quarter of 2017;
 13. That prior to Final Site Plan approval pursuant to Section 114 of the City of Toronto Act City Council direct the Chief Planner and Executive Director, City Planning Division, to confirm that the 1:50 scale architectural elevation drawings with building materials, colours and finishes are generally consistent with the variation in materiality and street wall

articulation as shown generally in the plans dated May 21, 2015, revised December 19, 2016 and March 8, 2017, prepared by Henriquez Partners Architects;

14. City Council direct the Director, Real Estate Services, in consultation with necessary civic officials the City Solicitor, and the Ward Councillor, to report to Toronto and East York Community Council with details on an agreement or agreements regarding the lease or conveyance of land or commercial space for the purpose of a community and cultural facility, within an approved development located at 571 to 597 Bloor Street West, 738 to 782 Bathurst Street, 26 to 38 Lennox Street, 581 to 603 and 588 to 612 Markham Street identified in Recommendation 6(iii), above, in the 4th Quarter of 2017;
15. City Council authorize the appropriate City officials to take such actions as are necessary to implement the foregoing, including execution of the applicable Section 37 and other Agreements; and,
16. Before introducing the necessary Bills contemplated in recommendations 1, 2 and 3 to City Council for enactment; the owner will withdraw appeals regarding By-law 714-2014 regarding the Bathurst Street Study, and By-law 1282-2016 and 1283-2016 regarding the Bathurst-Bloor Four Corners Study, to the satisfaction of the City Solicitor.

Financial Impact

The recommendations in this report have no financial impact.

Background

This report provides supplementary information and updated recommendations to the Final Report, dated March 17, 2017, related primarily to the provision of affordable housing and community and cultural space within the development. The report also details minor amendments to timing and details of some recommendations and includes draft Zoning By-law amendments (Attachments 1 and 2).

Affordable Rental Housing

The provision of affordable rental housing within the development is a priority for the city, the Ward Councillor and the applicant. The applicant has agreed to provide Affordable Rental Housing on site, as part of their Section 37 contribution, to a minimum value of \$4,000,000.00.

The March 17, 2017 Final Report on these applications advises that City Planning is working with the City's Affordable Housing Office and the applicant on an Affordable Rental Housing Plan that maximizes the number of affordable rental units possible within the development through the Section 37 contribution, government funding programs and opportunities, including the Open Door program, and non-profit agency operation.

The provision of affordable rental housing in the proposed development is proposed to occur in two steps, with an overall target of achieving 20% of the rental units within the development as affordable units.

Affordable Housing Plan Step One

Step One will utilize the agreed upon \$4,000,000.00 in Section 37 funds along with financial incentives available through the Open Door program and previously acquired federal grant funding intended for the provision of affordable housing.

The financial contribution through Section 37 alone will finance approximately 4% of the total number of units within the proposed development as Affordable Rental Housing, as defined in the Official Plan, for approximately 20 years, with a 5 year transition period.

The Section 37 contribution can be supplemented with City incentives and existing federal funding intended for the provision of affordable rental housing units to increase the number of units to between 7% and 9% of the total units within the proposal, depending on unit size, mix and level of affordability, for a period of approximately 20 years.

Step One of the Affordable Rental Housing Plan will be detailed and secured within the Section 37 Agreement, and the further rent reductions or extensions to terms may be provided for in an Affordable Housing Contribution Agreement (Contribution Agreement) with the City's Affordable Housing Office.

Affordable Housing Plan Step Two

City Staff and the applicant are continuing to work towards further increasing the number of affordable rental housing units on the site beyond the approximately 7% - 9% possible through Step One up to a maximum of 20% of the total units within the development. This may be possible through a range of incentives at the municipal level, including the Open Door incentives utilized in Step One, and the provincial and federal levels as funding becomes available. As the manner of funding of these Step Two units is as yet undetermined, the length of time the units will be affordable is also undetermined. City staff will however work to secure a minimum period of affordability of approximately 20 years for all Step Two affordable rental units.

The applicant is currently exploring a range of funding sources to increase the provision of affordable rental housing in the proposed development beyond that provided in Step One. In the fall of 2016, the applicant applied for funding under the Canada Mortgage & Housing Corporation's Affordable Rental Innovation Fund. The application for this funding is currently under review. The applicant also advises they are in the process of applying for the City's Open Door fee waiver/exemption program. The City will explore additional government and non-profit funding sources in partnership with the applicant

Entering into Step Two of the Affordable Rental Housing Plan will be secured within the Section 37 Agreement with details and obligations in an additional Contributions Agreement.

Details of Affordable Rental Units

The Affordable Rental Housing units delivered through the Two Step program discussed above will generally be characterized as follows.

The term "Affordable Rent" is defined in the Official Plan of the City of Toronto as being rent where the total monthly shelter cost, including utilities – heat, hydro and hot water – but

excluding parking and cable television charges, is at or below the average City of Toronto rent as reported annually by the Canada Mortgage and Housing Corporation in the Fall Market Report for the City of Toronto, by Unit Type. The City is exploring opportunities to deepen the level of affordability of a portion of units through one, or both Steps with additional funds to bring rents to 80% of average market rent or below.

Other than level of affordability, there will be nothing to distinguish affordable rental units from any other unit within the building. The unit mix, size of units, and unit layout of affordable rental units will correspond generally to the overall characteristics of units in the proposed development. Affordable rental units will be distributed throughout new buildings proposed east of Markham Street. All occupants of affordable rental units will have access to amenity facilities on the same basis as other units within the development. Affordable rental units will have access to bike parking spaces and larger units will have lockers provided, although vehicle parking spaces are not included as a part of the affordable rent in this development. Tenants of, or agencies representing tenants for, the affordable rental units may be offered parking spaces on the same basis as other tenants of the market component of the buildings.

Affordable Housing Contribution Agreements

The applicant is required to enter into Affordable Housing Contribution Agreements (Contribution Agreements) with the City to design, construct and tenant affordable rental housing units noted in Step One and Step Two above. It is likely, due to the timing of funding, there will be separate Contribution Agreements for each Step.

Affordable Rental Housing Plan

City Planning Staff recommend that the Director of the Affordable Housing Office report back to Toronto and East York Community Council in the 3rd Quarter of 2017 on details of a comprehensive Affordable Rental Housing Plan for the site including specific details on affordable rental housing units to be provided in Step One and discussion of options for Step Two.

Community and Cultural Space

The applicant has agreed to provide the City with a lease for a community and/or cultural space, at a minimum value of \$1,000,000 as part of the Section 37 benefits or a financial contribution in this amount.

The City acknowledges that potential government and non-profit incentives and other funding opportunities may be available to augment the agreed upon \$1,000,000.00 Section 37 contribution to the provision of on-site community and cultural space, in a manner similar to the approach detailed above respecting the provision of affordable housing units. In order to explore these additional funding and incentive options, City Planning staff recommends that City Council direct the Director, Real Estate Services, in consultation with necessary civic officials the City Solicitor, and the Ward Councillor, to report to Toronto and East York Community Council in the 4th quarter of 2017 on the details of provision of community and cultural space within the proposed development, to a minimum amount of \$1,000,000.00 and any incentives that may be supplement this amount to create space which is larger, and, in the event that the space is leased to the City, extend the lease term.

A Different Booklist Community and Cultural space, a not-for-profit bookstore and community space which previously existing within one of the commercial units on the subject site, has been discussed as a potential tenant for the proposed new community and cultural space.

Securing Proposed Architecture

The March 17, 2017 staff report notes and supports the design of the building as a varied, articulated, street wall condition with carefully located, slender tall buildings set back from the street. The degree of recesses and protrusions, and varied materiality which characterize the proposal can be difficult to adequately secure in a Zoning By-law amendment. As a means of detailed review and security, City Planning recommends that City Council direct the Chief Planner and Executive Director, City Planning Division, to confirm that the design of the building is consistent with the varied materiality and street wall articulation, as generally expressed by plans dated May 21, 2015, revised December 19, 2016 and March 8, 2017, prepared by Henriquez Partners Architects.

Other Minor Amendments to Recommendations

In addition to the matters noted above, the following minor changes to the contents and timing of delivery of some matters of convenience noted in Recommendation 6 have been amended from the March 17, 2017 report:

- Terms of the Privately Owned Publicly Accessible (POPS) space proposed on the current Honest Ed's Laneway are now to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
- The construction of improvements to the Lennox Street and Bathurst Street intersection are now required to be completed prior to the earlier of any commercial or residential uses occurring on site or the final building permit.
- As the design and review process of the proposed Markham Street maintenance tunnel is anticipated to occur concurrently but separately from the Site Plan Control process there is no longer a requirement that an agreement be entered into regarding this tunnel prior to the issuance of an above-grade permit. An agreement will still be required regarding the tunnel at a later date. The review process requires an application to Right-of-Way Management, City staff review, and an agreement with the applicant and the City to secure at the owner's expense, design, costs, the relocation of any necessary underground services, ongoing maintenance, and other matters. City Staff are supportive of the tunnel in principle.
- Details required to be submitted regarding the Neighbourhood Energy System (NES) have been amended to resolve a concern raised about the Chief Planner and Executive Director acting as the approval authority for "reductions in emissions and power consumption", related to the operation of the NES. The NES plan is however still expected to contain information regarding reductions in emissions and power consumption and will be reviewed by the Energy Efficiency Office.

- While not noted within the report dated March 17, 2017, the required construction management plan will also contain details on site access, gate locations, gate functions, and location and function of any staging areas relative to the gates.
- Various minor changes to timing of requirements in recommendations and other corrections and clarifications were made.

CONTACT

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SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment (Amends By-law No. 438-86)
Attachment 2: Draft Zoning By-law Amendment (Amends By-law No. 569-2013)

Attachment 1: Draft Zoning By-law Amendment (Amends By-law No. 438-86)

Authority: Toronto and East York Community Council Item No. • adopted by City of Toronto Council on •, 2017

CITY OF TORONTO

BY-LAW No. XXX-2017

To amend the General Zoning By-law No. 438-86 with respect to lands municipally known as 571 to 597 Bloor Street West, 738 to 754 Bathurst Street, 760 and 782 Bathurst Street, 26 to 34 Lennox Street, 581 to 603 Markham Street and 588 to 612 Markham Street.

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 to the lands known municipally in 2016 as 571 to 597 Bloor Street West, 738 to 754 Bathurst Street, 760 and 782 Bathurst Street, 26 to 34 Lennox Street, 581 to 603 Markham Street and 588 to 612 Markham Street; 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 such 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 matter 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 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are secured by one or more agreements between the owner of the land and the City of Toronto;

Whereas the Council of the City of Toronto has required the owner of the aforesaid lands to enter into one or more agreements for the provision of certain facilities, services and matters in return for the increases in height and density permitted by this by-law;

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

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the Planning Act, the heights and density of development permitted by this By-law- on the lands shown on Map 1 of this By-law are permitted subject to compliance with conditions set out in this By-law, and in return for the provision by the owner of the lands shown on Map 1, excluding the lands labelled G, of the facilities, services and matters set out in Appendix 1 hereof, the provision of which shall be secured by one or more agreements with the City pursuant to Section 37(3) of the Planning Act.
2. Upon execution and registration of one or more agreements between the City and the owner of the lot on title to the lot pursuant to Section 37 of the Planning Act, securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the lands identified on Map 1 are 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 or a permit issued pursuant to the Ontario Heritage Act, such building may not be erected or used until the owner of the lands identified on Map 1 has satisfied the said requirement or precondition.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement(s) entered into with the City pursuant to Section 37 of the Planning Act, then once such agreement(s) has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. Except as otherwise provided herein, the provisions of this By-law No. 483-86, as amended, shall continue to apply to the lot.
5. None of the provisions of Section 2(1) with respect to the definition of the terms, *bicycle parking space, floorplate, grade, height, lot, non-residential gross floor area, residential gross floor area, residential amenity space* and Section 4(2), 4(3), 4(4), 4(6), 4(12), 4(13), 4(14), 4(16), 8(1), 8(2), 8(3), 12(2)33., 12(2)270. and 12(2)317. of general Zoning By-law No. 438-86 of the former City of Toronto, 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 *mixed use buildings, an outdoor open air market* and a *commercial parking garage* on the *lot*, provided:
 - (a) the *lot* consists of at least those lands delineated by heavy lines on Map 1 attached to and forming part of this By-law, excluding those lands labelled G;
 - (b) the total *gross floor area* of all buildings and structures on the *lot* shall not exceed 78,400 square metres, provided a maximum of 60,500 square meters may be occupied by residential uses;
 - (c) a total of 400 square metres of the *gross floor area* noted in (b) above may only be used for the purposes of a *day nursery*;

Residential Uses

- (d) a minimum of 35% of the total *dwelling units* on the *lot* will contain two or three bedrooms.

- (e) a minimum of 20% of the total number of *dwelling units* on the *lot* will contain two or more bedrooms;
- (f) a minimum of 10% of the total number of *dwelling units* on the *lot* will contain three or more bedrooms;
- (g) all two bedroom *dwelling units* required by 1.(e) above will have an average gross floor area of 67 square metres;
- (h) all three bedroom *dwelling units* required by 1.(f) above will have an average gross floor area of 86 square metres;

Commercial Uses

- (i) The following uses are permitted on the *lot*:
 - (i) the uses permitted pursuant to Section 8(1)(f) of By-law 438-86; and
 - (ii) *outdoor open air market, a public market, a commercial parking garage* located below finished ground level, and an *outdoor patio*; a car wash located below finished ground level, and energy generation and distribution facilities,
- (j) a *public market* use may only be located within that portion of the *lot* identified as “public market” on Map 4 attached to and forming part of this By-law;
- (k) at least 10 *premises* shall be provided at the ground floor level of a building or buildings on the *lot* subject to the following:
 - (i) each *premises* shall be limited to a maximum 40 square metres of *interior gross floor area*; and
 - (ii) each *premises* may only be occupied by permitted non-residential uses;
- (l) within the areas subject to a height limit of 15.0 metres on Map 3 and Map 4 attached to and forming part of this by-law, the *interior floor area* of a *premises* occupied by a *restaurant, take-out restaurant, bake-shop, place of assembly, place of amusement, caterer’s shop or club* shall not exceed 300 square metres, except that two such *premises* may exceed this maximum;
- (m) the ground floor area of any *premises* fronting on Bathurst Street or Bloor Street West and occupied by a retail or service use shall not exceed a maximum width of 11 metres, for a depth of not less than 7.5 metres as measured from the main front wall of the premises, with the exception that up to two *premises* may have a width in excess of 11 metres;

Building Height

- (n) A building constructed in Tower Zone 01, as shown on Map 2, will have a maximum building height of 24 storeys measured from grade,
- (o) A building constructed in Tower Zone 03A, as shown on Map 2, will have a maximum building height of 25 storeys measured from grade,
- (p) A building constructed in Tower Zone 03B, as shown on Map 2, will have a maximum building height of 26 storeys measured from grade,
- (q) A building constructed in Tower Zone 04, as shown on Map 2, will have a maximum building height of 13 storeys measured from grade,
- (r) A building constructed in Tower Zone 02, as shown on Map 2, will have a maximum building height of 19 storeys measured from grade,

Tall Building Floorplates

- (s) Buildings A, B, and C will each have a maximum floorplate of 600 square metres above a building height of 33 meters, measured from grade;
- (t) Building D will have a maximum floorplate of 600 square metres above a building height of 37 meters, measured from grade;
- (u) Building E will have a maximum floorplate of 500 square metres above a height of 18 meters measured from grade;

Encroachments

- (v) no portion of any building erected or used above finished ground level shall be located otherwise than wholly within the areas delineated by heavy lines on Maps 2, 3, 4 and 5 attached to and forming part of this By-law, with the exception of the following structures and elements:
 - (i) lighting fixtures, cornices, sills, eaves, canopies including supporting structures, covered walkways, window washing equipment, railings, privacy screens, planters, balustrades, bollards, stairs, balconies, awnings, fences, underground garage ramps and associated structures, walls and safety railings, trellises, guards, guardrails, retaining walls, wheel chair ramps, piers, sun-shades, signage, public art, bike share facilities, outdoor recreation uses, ornamental or architectural features and canopies, landscape features, facilities accessory to a day nursery and art installations;
 - (ii) pedestrian bridges linking portions of buildings on Map 4 to portions of buildings on Map 5 to a maximum height of 10.5 metres, measured between finished ground level and the highest point of the bridge;
 - (iii) structures, elements and enclosures permitted by subsection (i) below.

- (w) No part of a building or structure erected or used above finished ground level shall exceed the *height* limits specified by the numbers following the symbol "H" shown on the attached Maps 3, 4 and 5 with the exception of:
 - (i) the items listed in subsection (v) above; and
 - (ii) structures on any roof used for outdoor *residential amenity space* or open air recreation, maintenance, safety, wind or green roof purposes, vestibules providing access to outdoor amenity space, parapets, chimneys, vents, stacks, structures and elements associated with energy generation and distribution facilities.

Amenity Space

- (x) A minimum of 3.0 square metres per *dwelling unit* of *residential amenity space* shall be provided and maintained in accordance with the following:
 - (i) A minimum of 1.5 square metres per *dwelling unit* shall be provided as indoor *residential amenity space*;
 - (ii) A minimum of 40 square metres shall be provided as outdoor *residential amenity space*, in a location adjoining or directly accessible to the indoor *residential amenity space*; and
- (y) A maximum of 1,000 square metres of the required indoor *Residential amenity space* may be provided within the premises of a *club*, including a gym or fitness centre facility available to members of the public, provided that there are no additional costs or other unreasonable limitation to occupants of the residential units within the building, and their guests, for the access and use of this space

Parking and Loading

- (z) Loading shall be provided in accordance with the following minimum requirements:
 - (i) 1 *loading space* – type G;
 - (ii) 3 *loading space* –type B; and
 - (iii) 4 *loading space* – type C;
- (aa) The number of *parking spaces* for residents on the *lot* shall be provided and maintained in accordance with the following minimum requirements:
 - (i) 0.15 *parking spaces* for each bachelor *dwelling unit* and *live-work unit*;
 - (ii) 0.27 *parking spaces* for each one *bedroom dwelling unit*; and
 - (iii) 0.43 *parking spaces* for each *dwelling unit* containing two *bedrooms*;

- (iv) 1.0 *parking spaces* for each *dwelling unit* containing three or more *bedrooms*;
- (bb) *Parking spaces* for all other uses within a building or structure shall be provided in accordance with the following table:

Parking Space Rates and Parking Space Occupancy Table

Land Use	Minimum Parking Rate	Parking Occupancy Rate		
		AM	PM	Eve
Non-residential uses	1.0 <i>parking space</i> for each 100 square metres of <i>gross floor area</i>	20%	100%	100%
Day Nursery	0.4 <i>parking spaces</i> for each 100 square metres of <i>gross floor area</i>	100%	100%	50%
Residential visitors	0.06 <i>parking spaces</i> per <i>dwelling unit</i>	10%	35%	100%

- (cc) The minimum number of *parking spaces* as required in the table above is determined as follows:
 - (i) for each of the morning, afternoon and evening parking periods identified in the table above, the minimum number of *parking spaces* required for each use, is calculated using the respective *parking space* rate and occupancy rate;
 - (ii) the minimum number of *parking spaces* required for each parking period is the total of the *parking spaces* required for all uses during that parking period;
 - (iii) the minimum number of *parking spaces* required is equal to the largest number of *parking spaces* required for any parking period; and
- (dd) notwithstanding subsection (bb), no *parking spaces* are required for *restaurants* and *take-out restaurants*;
- (ee) for each *car-share parking space* provided, the minimum number of *parking spaces* for residents required by regulation (l) above may be reduced by four *parking spaces*, up to a maximum reduction as calculated by the following formula: 4 x (the total number of *dwelling units* divided by 60), rounded down to the nearest whole number;
- (ff) the *parking spaces* required pursuant to subsection (bb) above may be provided on a non-exclusive basis and may be provided in a *commercial parking garage*;
- (gg) all *parking spaces* shall be located below finished ground level;
- (hh) if the calculation of the required number of *parking spaces* results in a number with a fraction, the number is rounded down to the nearest whole number;

- (ii) a room or enclosed area, including its enclosing walls within a building that is used exclusively for heating, cooling, ventilation, electrical, fire emergency stairwells, elevator shafts, atriums, utility areas, storage areas below finished ground level, *parking space* or loading space, or a drive aisle used to access a *parking space* or a loading space, is not included in the *gross floor area* for the purpose of calculating *parking space* requirements;
- (jj) the requirements of Section 4(17) of By-law 438-86, as amended, shall apply with the exception that:
 - (i) up to a maximum of 15 percent of the total number of *parking spaces* provided may have the following minimum dimensions, notwithstanding that such *parking spaces* are obstructed on one or two sides in accordance with Section 4(17)(e) of By-law 438-86, as amended:
 - A. Length – 5.6 metres;
 - B. Width – 2.6 metres;
 - C. Height – 2.0 metres; and
 - (ii) provided that the total number of *parking spaces* which are obstructed on two sides and provided with minimum dimensions in accordance with (i) above, is no more than 5 percent of the total number of provided *parking spaces*;
- (kk) *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following minimum standards:
 - (i) For *dwelling units*: 0.9 *bicycle parking spaces* for each *dwelling unit*, allocated as *long term bicycle parking spaces* and 0.1 *bicycle parking spaces* for each *dwelling unit* allocated as *short term bicycle parking spaces*; and
 - (ii) For non-residential uses: 0.2 *bicycle parking spaces* for each 100 square metres of *interior floor area* allocated as *long term bicycle parking spaces* and 3 plus 0.3 *bicycle parking spaces* for each 100 square metres of *interior floor area* allocated as *short term bicycle parking spaces*.

Definitions

- 6. For the purposes of this By-law, each word or expression that is italicized in this By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended, except for the following:
 - (a) “*bicycle parking space*” means an area used for storing bicycles having the following minimum dimensions:
 - (i) where the bicycles are to be parked on a horizontal surface, has a minimum length of 1.8 metres, a minimum width of 0.6 metres and a minimum vertical dimension from the ground of at least 1.9 metres;

- (ii) where the bicycles are to be parked in a vertical position, has a minimum length or vertical clearance from the wall of 1.2 metres, a minimum width of 0.6 metres and a vertical dimension of at least 1.9 metres;
 - (iii) where the bicycles are to be parked in bicycle stacker, has a minimum vertical clearance of 1.2 metres for each *bicycle parking space*; and
 - (iv) where bicycles are to be parked in an automated bike parking facility, no minimum dimensions are required;
- (b) “*bicycle stacker*” means a device where by a *bicycle parking space* is positioned above or below another *bicycle parking space* and is accessed by means of an elevating device;
- (c) “*brew-on-premises establishment*” means a building or a portion of a building used for the fermentation, chilling, filtering, carbonation and bottling of beverages by or on behalf of patrons or wholesale clients, which use may include the preparation and consumption of food and beverages on the *premises*;
- (d) “*car-share*” means the practice whereby a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization and such car-share motor vehicles are made available to at least the occupants of the building for short term rental, including hourly rental;
- (e) “*car-share parking space*” means a *parking space* exclusively reserved and signed for a car used only for *car-share* purposes;
- (f) “*floorplate*” means the total area of a floor of a building measured from the exterior of the main wall of the floor level, including voids at the level of the floor, such as an atrium, mezzanine, stairwell, escalator, elevator, ventilation duct or utility shaft;
- (g) “*grade*” means 113.5 metres Canadian Geodetic Datum;
- (h) “*gross floor area*” means the sum of the total area of each floor level of a building or structure above and below finished ground level, measured from the exterior main wall of each floor level, exclusive of any areas in a building or structure used for:
- (i) Parking, loading and a *commercial parking garage*, all as located below finished ground level;
 - (ii) Required *loading spaces* at the ground level;
 - (iii) Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below finished ground level;
 - (iv) facilities for bicycle parking, including but not limited to the area occupied by *bicycle parking spaces*, an automated bike parking facility and required shower and change facilities;

- (v) *Residential amenity space* above the minimum amount required by this By-law;
 - (vi) Elevator shafts, garbage shafts
 - (vii) Mechanical penthouse;
 - (viii) Exit stairwells in the building or structure;
 - (ix) The area of the buildings existing on the *lot* as of the date of the passing of this By-law and municipally known as 738 – 746 Bathurst Street, 585 Bloor Street West, 581 to 597 Markham Street, 588 to 602 Markham Street and 610 Markham Street as relocated to 601-606 Markham Street;
 - (x) The area of any uses operated in connection with an *outdoor open air market*;
- (i) “*height*” means the highest point of the building or structure above *grade*, except for those elements prescribed by this By-law;
 - (j) “*interior floor area*” means the floor area of any part of a building measured to the interior side of a main wall or an interior wall, or as measured to a line delineating the part being measured, excluding the following areas:
 - (i) Parking, *commercial parking garage*, loading and bicycle parking;
 - (ii) Storage rooms, washrooms, electrical, utility mechanical ventilation rooms;
 - (iii) Shower and change facilities for *bicycle parking spaces*; and
 - (iv) Elevator shafts, mechanical penthouse, or exit stairs;
 - (k) “*live-work unit*” means a *dwelling unit*, a portion of which may be occupied by a permitted non-residential use, where the *dwelling unit* is the principal residence of the operator of the non-residential use and such use may include employees.
 - (l) “*long term bicycle parking space*” means a *bicycle parking space* for use by occupants or tenants of a building;
 - (m) “*lot*” means in aggregate the lands outlined by heavy lines on Map 1 of this By-law, excluding those lands labelled G;
 - (n) “*outdoor open air market*” means portion of a *lot* where, goods, wares, merchandise or a substance, article or thing is offered, kept or stored for retail sales, which may include food sales, retail sales and other uses from kiosks, tents, vehicles, tables or similar facilities, and such facilities are not buildings or structures;
 - (o) “*outdoor patio*” means an outdoor area where meals or refreshments or both may be served to patrons;

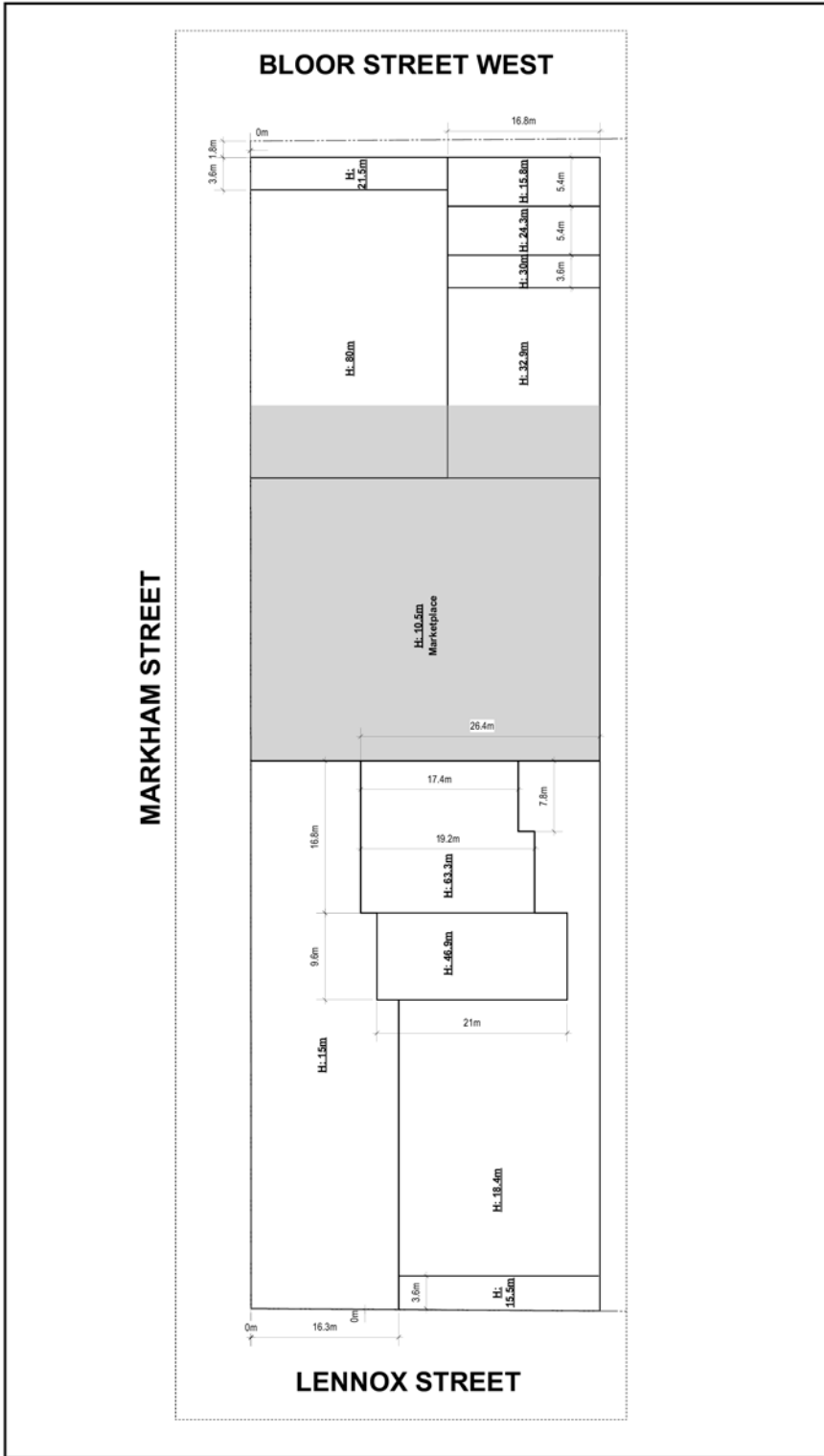
- (p) “*premises*” means the whole or part of lands, buildings or structures or any combination of these;
 - (q) “*public market*” means a portion of the *lot* that may be occupied by a single use or multiple uses including any permitted non-residential use, marketplace, bazaar and cultural entertainment use such as a cinema, theatre, opera, ballet and music performance
 - (r) “*residential amenity space*” means a common area or areas within the *lot* which are provided for the use of residents of all buildings on the *lot* and may also be available for use by guests and visitors to a building; and
 - (s) “*short term bicycle parking space*” means a *bicycle parking space* for use by visitors to a building.
7. None of the provisions of By-laws 717-82 and By-law 228-83, shall apply to the erection and use of land, buildings and structures in accordance with the requirements of this By-law.
 8. None of the provisions of Section 5(1) and 5(3) Part II of By-law 438-86, of the former City of Toronto, as amended being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing 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 use of the lands identified as “G” on Map 1 to this By-law for the purpose of pedestrian access, patios and loading activities *accessory* to the lands delineated by heavy lines on Map 1, as well as construction staging activities including the erection and use of buildings, structures or trailers used for the purpose of a construction management office, parking and materials storage.
 9. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law and By-law No. 438-86, as amended, shall apply to the whole of the *lot* as if no severance, partition or division had occurred.
 10. Section 37 Provisions:
 - (1) Where Appendix 1 of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit or a permit issued pursuant to the Ontario Heritage Act, the issuance of such permit shall be dependent on satisfaction of the same; and
 - (2) The owner must not use, or permit the use of, a building or structure erected with an increase in height pursuant to this By-law unless all provisions of Appendix 1 are satisfied.

Enacted and passed on , 2017.

Frances Nunziata,
Speaker

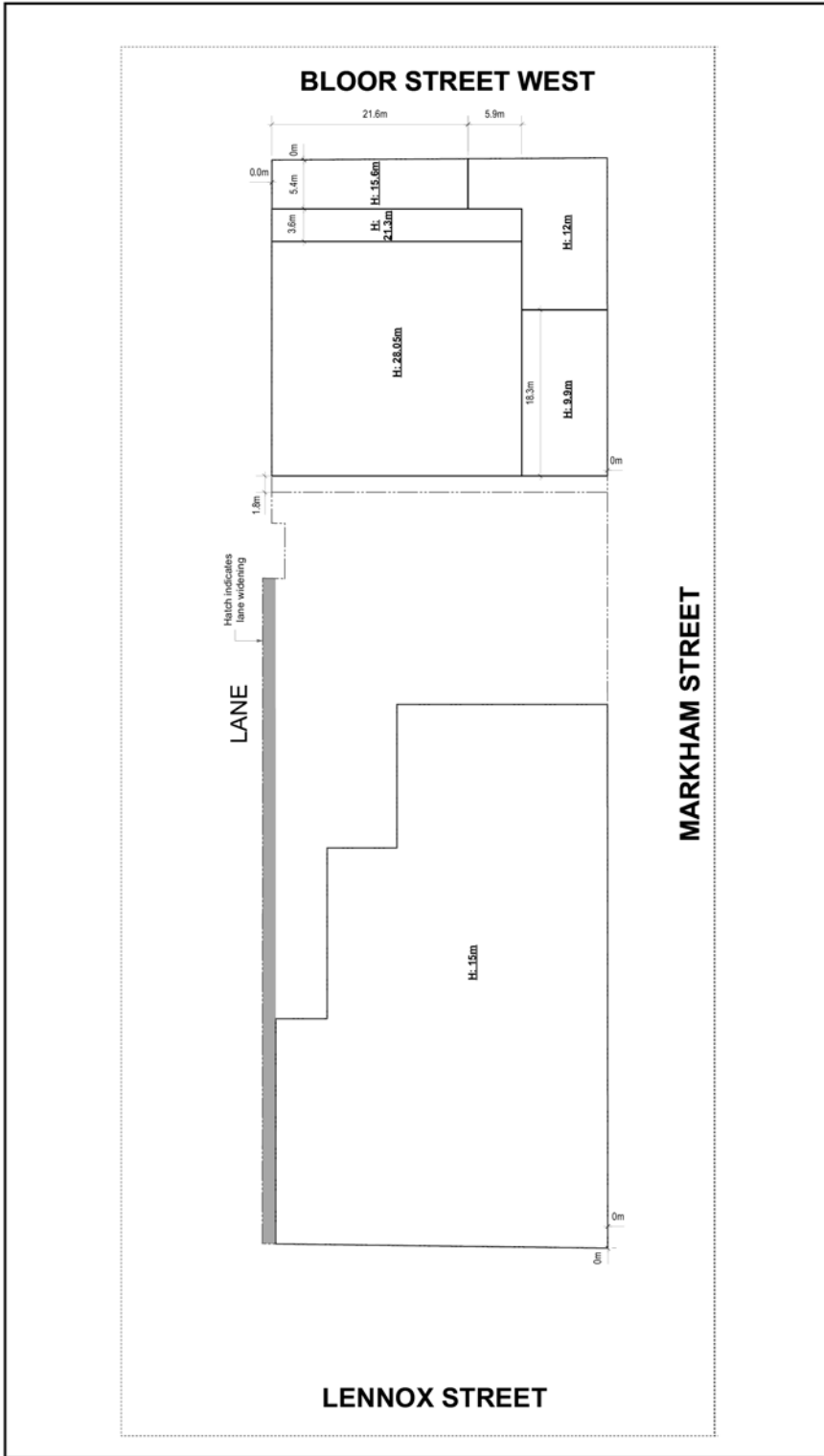
Ulli S. Watkiss,
City Clerk

(Seal of the City)



571 to 597 Bloor Street West, 738 to 782 Bathurst Street,
26 to 38 Lennox Street, 581 to 603 and 588 to 612 Markham Street
File # 15 188751 STE 19 0Z and 15 188805 STE 19 0Z

City of Toronto By-Law 438-86
Not to Scale
04/03/2017



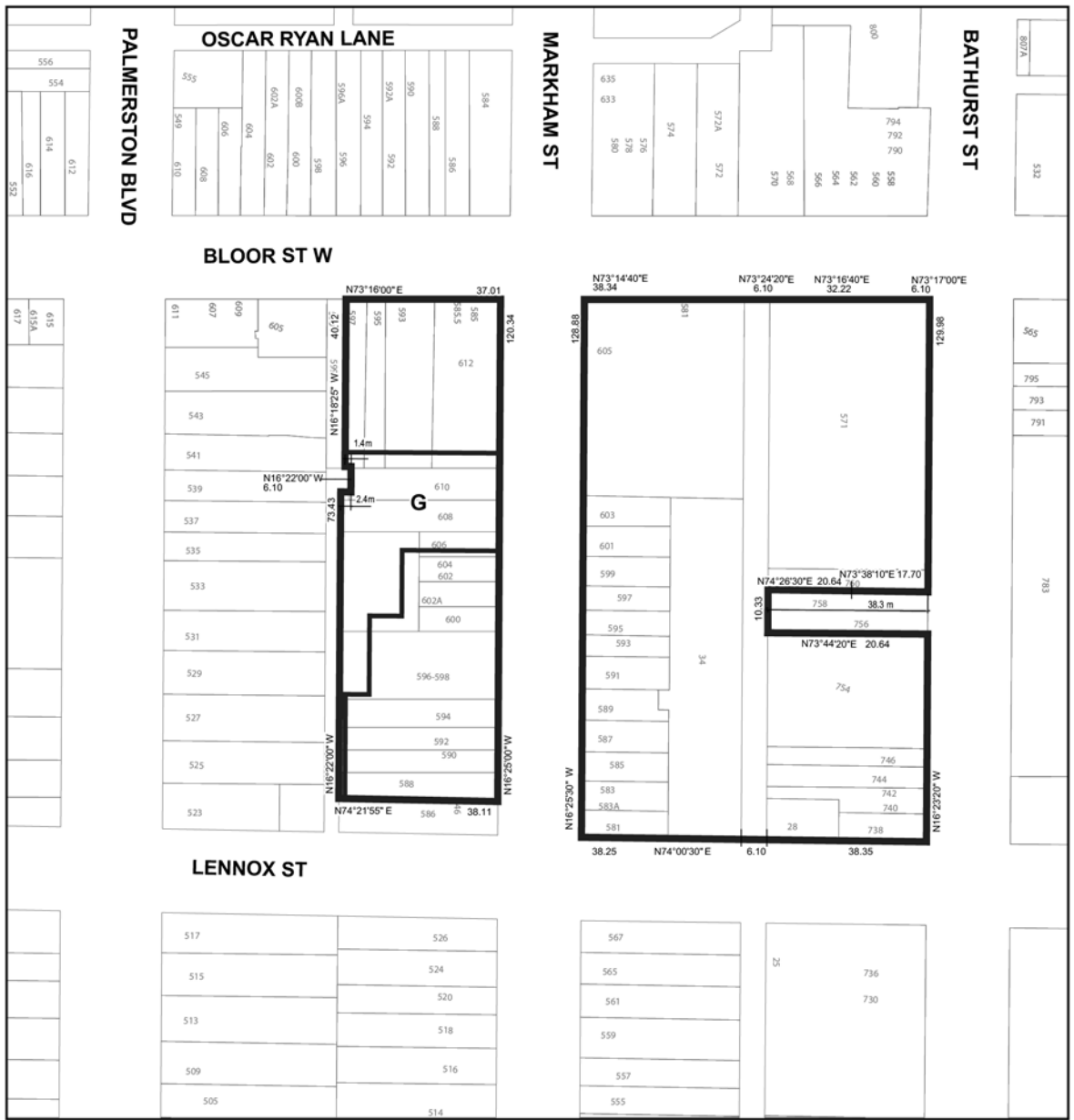
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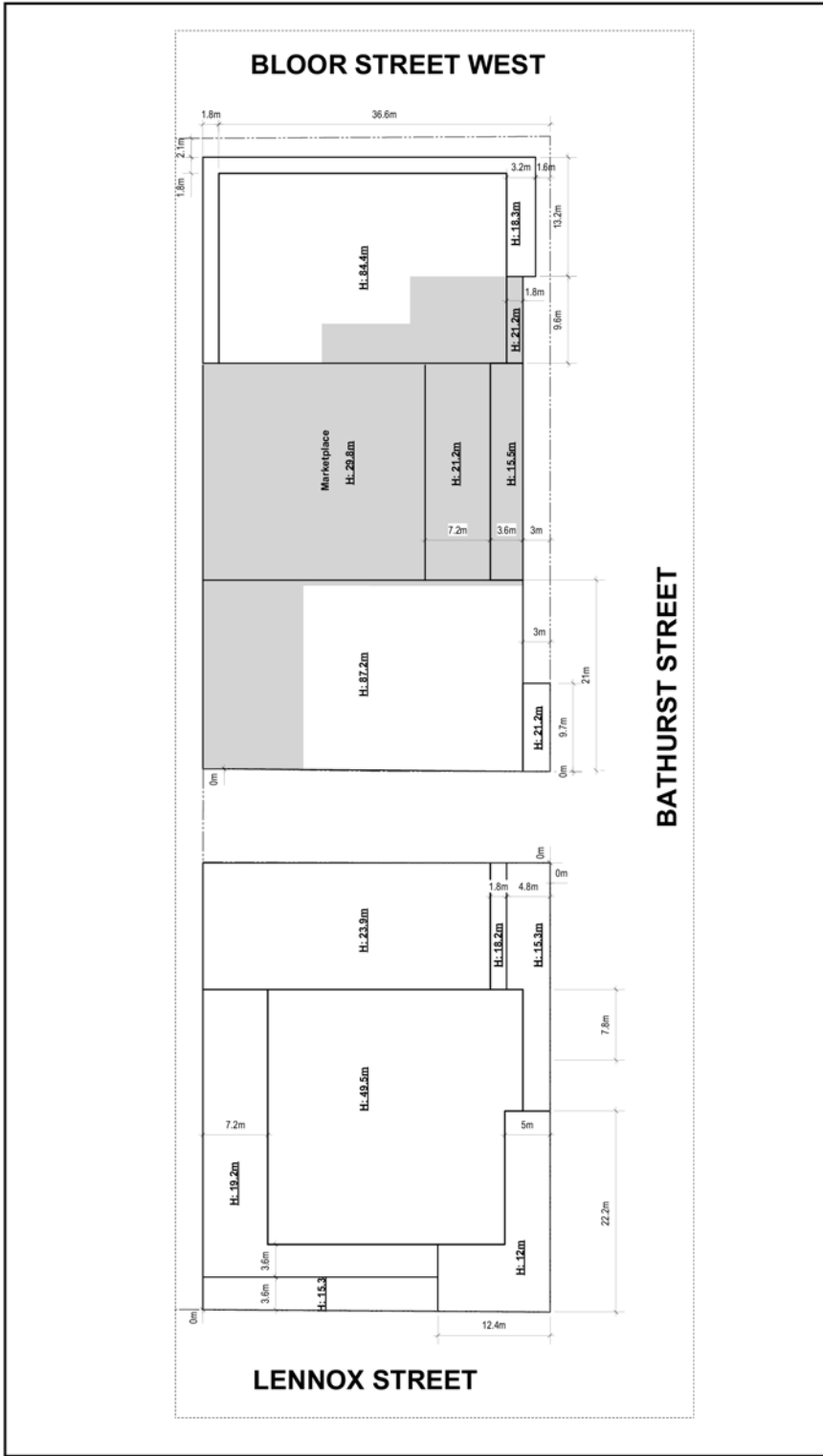
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