

## **Attachment 2: Draft Zoning By-law Amendment (Amends By-law No. 569-2013)**

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 Zoning By-law No. 569-2013, as amended with respect to lands municipally known as 571 to 597 Bloor Street West, 738 to 754 and 760 to 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; 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;

Whereas the Official Plan for the City of Toronto contains such 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 or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law;

Whereas subsection 37(3) of the Planning Act provides that where an owner of lands elects to provide facilities, services or matters, in return for an increase in height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality in respect of 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 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;

Whereas pursuant to Section 39 of the Planning Act, the council of a Municipality may, in a by-law passed under section 34 of the Planning Act, authorize the temporary use of land, buildings, or structures for any purpose set out therein that is otherwise prohibited by the by-law;

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

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 same meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.

3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respect the lands outlined in heavy lines to CR(X●) and OR(X●), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 569-2103, as amended, is further amended by adding to Article 900.11.10 Exception Number (●):

**Exception CR ●**

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

**Site Specific Provisions:**

- (i) On the lands municipally known as 571 to 597 Bloor Street West, 738 to 754 and 760 to 782 Bathurst Street, 26 to 38 Lennox Street, 581 to 603 Markham Street and 588 to 612 Markham Street, shown as CR (●) on Diagram 2 to By-law ####, none of the provisions of 5.10.40.70.(1) to (4), 40.5.40.10(4) and (5), 40.10.20.100(1), (6), (16), (17), (21), (27) and (28), 40.10.40.1(1), (2), (3) and (6), 40.10.50.10, 40.10.90.40, 40.10.100.10, 150.5, 200.5.1.10(12)(C), 200.10.1(1) and (2), 900.11.10(2436), (2439) and (1438) shall apply to prevent the erection or use of land, **buildings** or **structures** on the lands if in compliance with regulations (B) to (WW) below and Section 6. and Schedule “A” of By-law ####
  - B The **lot** comprises the lands identified by heavy lines on Diagram “1” attached to By-law ●-2017 zoned CR.
  - C In addition to those uses permitted by Regulation 40.10.20.10(1), **public parking**, an energy generation and distribution facility, brew on premises establishment, marketplace and outdoor open air markets are also permitted.
  - D For the purpose of this exception, outdoor markets may provide retail sales, food sales and other uses from kiosks, tents vehicles, tables or similar facilities and such facilities are not **buildings** or **structures**.
  - E Despite the definition of **home occupation** in regulation 800.50(34) a **home occupation** includes a permitted non-residential use operating within a **dwelling unit**, where the **dwelling unit** is the principal residence of the operator of the non-residential use and such use may include employees.
  - F Despite regulation 40.10.20.20, the outdoor sales or display of goods and commodities is not subject to regulation 40.10.20.100(20)(B) and (C).
  - G Despite regulation 40.10.20.20, provided a vehicle washing station is located within a portion of a building below ground, the provisions of regulation 150.96 do not apply.
  - H Despite regulation 40.20.20, a **place of worship** is not subject to regulation 150.50.10.
  - I For the purpose of this exception, marketplace is that portion of the **lot** identified as “marketplace” on Diagram 5 which may be occupied by a single use or multiple uses including any permitted non-residential use, marketplace and or bazaar.

- J For the purpose of this exception a brew on-premises establishment is 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**.
- K For the purpose of this exception the sale, rental or leasing of bicycles is permitted as a **retail store** and the service, cleaning, repair and maintenance of bicycles is permitted as a **service shop** and both uses may operate in a single **premises**.
- L Despite regulation 40.10.40.40, the total **gross floor area** of all **buildings** and **structures** must not exceed 78,400 square metres, of which, the **gross floor area** occupied by residential uses must not exceed 60,500 square metres.
- M A total of 400 square metres of the *gross floor area* noted in (L) above may only be used for the purposes of a *day nursery*;
- N A minimum of 35% of the total dwelling units within the building will contain two or three bedrooms.
- O A minimum of 20% of the total number of dwelling units on site will contain two or more bedrooms;
- P A minimum of 10% of the total number of dwelling units on site will contain three or more bedrooms;
- Q all two bedroom units required by (O) above will have an average gross floor area of 67 square metres;
- R all two bedroom units required by (P) above will have an average gross floor area of 86 square metres;
- S In addition to the provisions of regulation 40.5.40.40, the following areas of a **building** are not also not included in the calculation of **gross floor area**:
- (a) Indoor **amenity space** above the amount required by this By-law;
  - (b) The area of the buildings or portions of buildings existing on the **lot** as of the date of the passing of 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;
  - (c) The areas of any use operated in connection with an outdoor open air market;

- T At least 10 **premises** are provided at the ground floor level subject to the following:
- (a) each **premises** is limited to a maximum **interior floor area** of 40 square metres; and
  - (b) each **premises** may only be occupied by permitted non-residential uses.
- U Within the areas subject to a height limit of 15.0 metres on Diagram 4 and Diagram 5 attached to By-law ### the **interior floor area** of a **premises** occupied by a **eating establishment, take-out eating establishment, place of assembly or club** shall not exceed 300 square metres, except that two such **premises** may exceed this maximum;
- V 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 front **main wall** of the **premises**, with the exception that up to two **premises** may have a width in excess of 11 metres;
- W A building constructed in Tower Zone 01, as shown on Diagram 3, will have a maximum building height of 24 storeys, measured from grade,
- X A building constructed in Tower Zone 03A, as shown on Diagram 3, will have a maximum building height of 25 storeys, measured from grade,
- Y A building constructed in Tower Zone 03B, as shown on Diagram 3, will have a maximum building height of 26 storeys, measured from grade,
- Z A building constructed in Tower Zone 04, as shown on Diagram 3, will have a maximum building height of 13 storeys, measured from grade,
- AA A building constructed in Tower Zone 02, as shown on Diagram 3, will have a maximum building height of 19 storeys, measured from grade,
- BB Buildings in Tower Zone 01, 3A, and 03B, as shown on Diagram 3, will each have a maximum floorplate of 600 square metres above a building height of 33 meters, measured from grade;
- CC A Building in Tower Zone 04, as shown on Diagram 3, will have a maximum floorplate of 600 square metres above a building height of 37 meters, measured from grade;
- DD A Building in Tower Zone as shown on Diagram 3, will have a maximum floorplate of 500 square metres above a height of 18 meters measured from grade;

- EE Despite all of regulations 40.5.40.60(B), 40.10.40.60, 40.10.40.70 and 40.10.40.80 no portion of any **building** or **structure** above-ground is located other than wholly within the areas delineated by heavy lines on Diagrams 3, 4, 5 and 6 attached to By-law ## with the exception of the following which may encroach a maximum of 1.5 metres:
- (a) 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, architectural and ornamental canopies and similar structure, including support structures, landscape features, facilities ancillary to a **day nursery** and art installations;
  - (b) pedestrian bridges linking portions of **buildings** on Diagram 5 to portions of **buildings** on Diagram 6 as attached to By-law ### to a maximum height of 10.5 metres, measured between finished ground level and the highest point of the bridge; and
  - (c) **structures**, elements and enclosures permitted by regulation (R) below.
- FF Despite regulations 40.5.40.10 and 40.10.40.10, the height of each portion of a **building** or **structure** is measured as the vertical distance between Canadian Geodetic Datum elevation of 113.5 metres- to the highest point of the **building** or **structure**, and must not exceed the height in metres as specified by the numbers following the symbol "H" as shown on Diagrams 4, 5 and 6 attached to By-law ##### except for the following projections which may encroach a maximum of 1.5 metres:
- (a) **structures**, elements and enclosures permitted by regulation (Q) above;
  - (b) **structures** on any roof used for outdoor **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.
- GG Despite regulation 40.10.40.50, a minimum of 3.0 square metres per **dwelling unit** of **amenity space** must be provided and maintained in accordance with the following:
- (a) at least 1.5 square metres for each **dwelling unit** is indoor amenity space;
  - (b) at least 40 square metres is outdoor **amenity space**, in a location adjoining or directly accessible to the indoor **amenity space**; and

- (c) up to a maximum of 1,000.00 square metres of **amenity space** may be provided within the **premises** of a non-residential use accessible to members of the public, which may include, but is not limited to, the premises of a gym, fitness centre or office use, 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.
- HH Despite the definition of **amenity space** in regulation 800.50(15), **amenity space** must be available for use by occupants of a **building** for recreational or social activities and may also be available to guests and visitors of a **building**.
- II **Parking spaces** for residents shall be provided and maintained in accordance with the following minimum requirements:
- (a) 0.15 **parking spaces** for each bachelor **dwelling unit** or **dwelling unit** occupied by a **home occupation**;
- (b) 0.27 **parking spaces** for each one *bedroom* **dwelling unit**; and
- (c) 0.43 **parking spaces** for each **dwelling unit** containing two bedrooms; and
- (d) 1.0 **parking spaces** for each **dwelling unit** containing three or more bedrooms.
- JJ **Parking spaces** for all other uses within a **building** or **structure** must be provided in accordance with the following minimums, where parking period AM means 6 a.m. to Noon, PM means Noon to 6 p.m. and Eve. means 6 p.m. to 6 a.m.:
- (a) **Day nursery**: 0.4 **parking spaces** for each 100 square metres of **gross floor area** in accordance with the following parking occupancy rates of AM:100%, PM:100% and EVE:50%;
- (b) all other non-residential uses: 1.0 **parking space** for each 100 square metres of **gross floor area** in accordance with the following parking occupancy rates of AM:20%, PM:100% and EVE:100%;
- (c) residential visitors: 0.06 **parking spaces** for each **dwelling unit** in accordance with the following parking occupancy rates of AM:10%, PM:35% and EVE:100%; and
- KK Despite regulation U above, no **parking spaces** are required for **eating establishments and take-out establishments**. Despite regulations 200.5.10.1(1), (4) and (6), the minimum number of **parking spaces** as required by regulation U above is determined as follows:
- (a) 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;

- (b) 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;
  - (c) the minimum number of **parking spaces** required is equal to the largest number of **parking spaces** required for any parking period;
- LL For each car-share **parking space** provided, the minimum number of **parking spaces** for residents required by regulation T above may be reduced by four **parking spaces**, up to a maximum reduction as calculated by the following formula:  $4 \times (\text{the total number of dwelling units divided by } 60)$ , rounded down to the nearest whole number.
- MM For the purpose of this Exception:
  - (a) 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 a **building** for short term rental, including hourly rental; and
  - (b) a car-share **parking space** means a **parking space** exclusively reserved and signed for a car used only for car-share purposes.
- NN Despite regulation 200.5.1.10(2):
  - (a) a maximum of 15 % of the total number of **parking spaces** provided do not have to comply with regulation 200.5.1.10(2)(A)(iv), despite that such **parking spaces** are obstructed in accordance with regulation 200.5.1.10(2)(D);
  - (b) provided, the total number of **parking spaces** obstructed on two sides in accordance with 200.5.1.10(2)(D) does not exceed 5% of the total number of provided **parking spaces**.
- OO Despite regulation 40.5.80.1, the **parking spaces** required by regulation U above, may be provided on a non-exclusive basis and may be provided within a **public parking** facility.
- PP Despite regulation 220.5.10. a total of 14 **loading spaces** must be provided, comprised of 1 Type "G" **loading space**, 3 Type "B" **loading spaces** and 4 Type "C" **loading spaces**.
- QQ Despite regulation 220.5.20.1(2), the permitted maximum slope of a driveway leading to any **loading space** is 15%.
- RR **Bicycle parking spaces** provided in an automated bike parking facility are not subject to regulation 230.5.1.10 (4).



- SS Despite any provision of By-law 569-2013, as amended from time to time, an accessible **parking space** must have the following minimum dimensions:
- (a) Length of 5.6 metres;
  - (b) Width of 3.9 metres; and
  - (c) Vertical clearance of 2.1 metres
- TT Despite any existing or future severance, partition or division of the lands shown as CR(x●) on Diagram 2 to By-law ###, the provisions of this Exception and By-law 569-2013, as amended apply to the whole of the lands as one **lot** as if no severance, partition or division had occurred.
- UU For the purpose of this By-law the term **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;

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

5. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.42.10 Exception Number (●):

Site Specific Provisions:

- A On the lands identified as OR(x●) on diagram 2 to By-law ●-2017, in addition to the uses permitted under regulation 90.30.20.10, and despite any regulations of By-law 569-2013 as amended to the contrary, the following are also permitted uses:
- (a) pedestrian access, patios and loading activities ancillary to the lands identified as CR(x●) on Diagram 2 to By-law #-2017
  - (b) construction staging activities ancillary to the lands identified as CR(x●) on Diagram 2 to By-law #-2017 including the erection and use of **buildings, structures** or trailers used for the purpose of a construction management office, parking and materials storage;
  - (c) regulation 90.30.40.70 does not apply to a building, structure or trailer used for the purpose of a construction management office.



6. Section 37 Provisions

- A Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown as CR (x●) on Diagram 2 of this By-law, 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 must not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to Exception CR ● of By-law 569-13, as amended, unless the provisions of Schedule A of such By-law are satisfied.

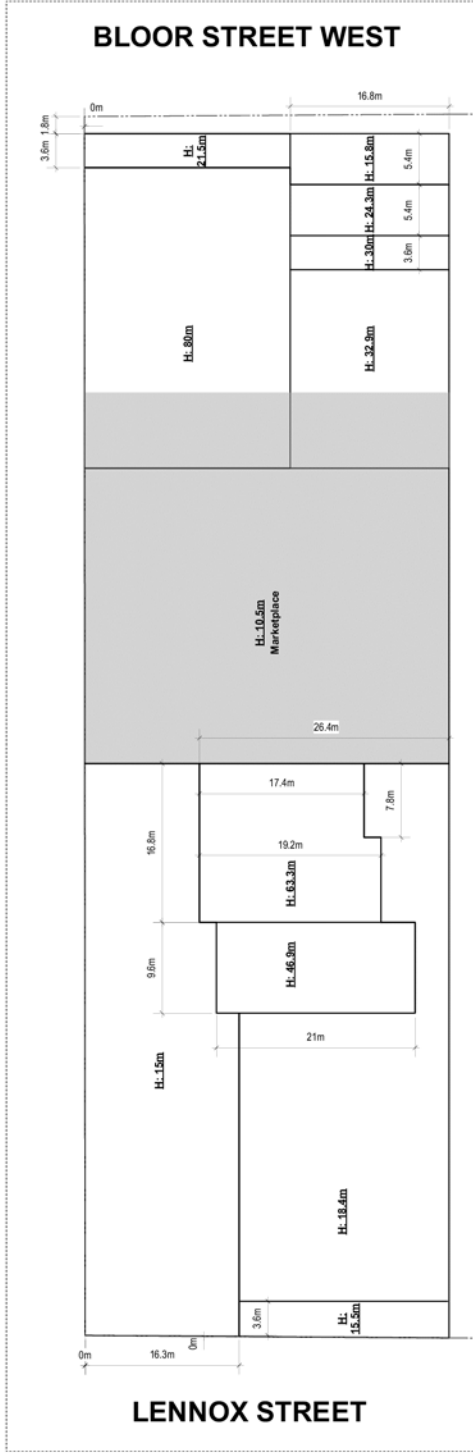
Enacted and passed on , 2017.

Frances Nunziata,  
Speaker

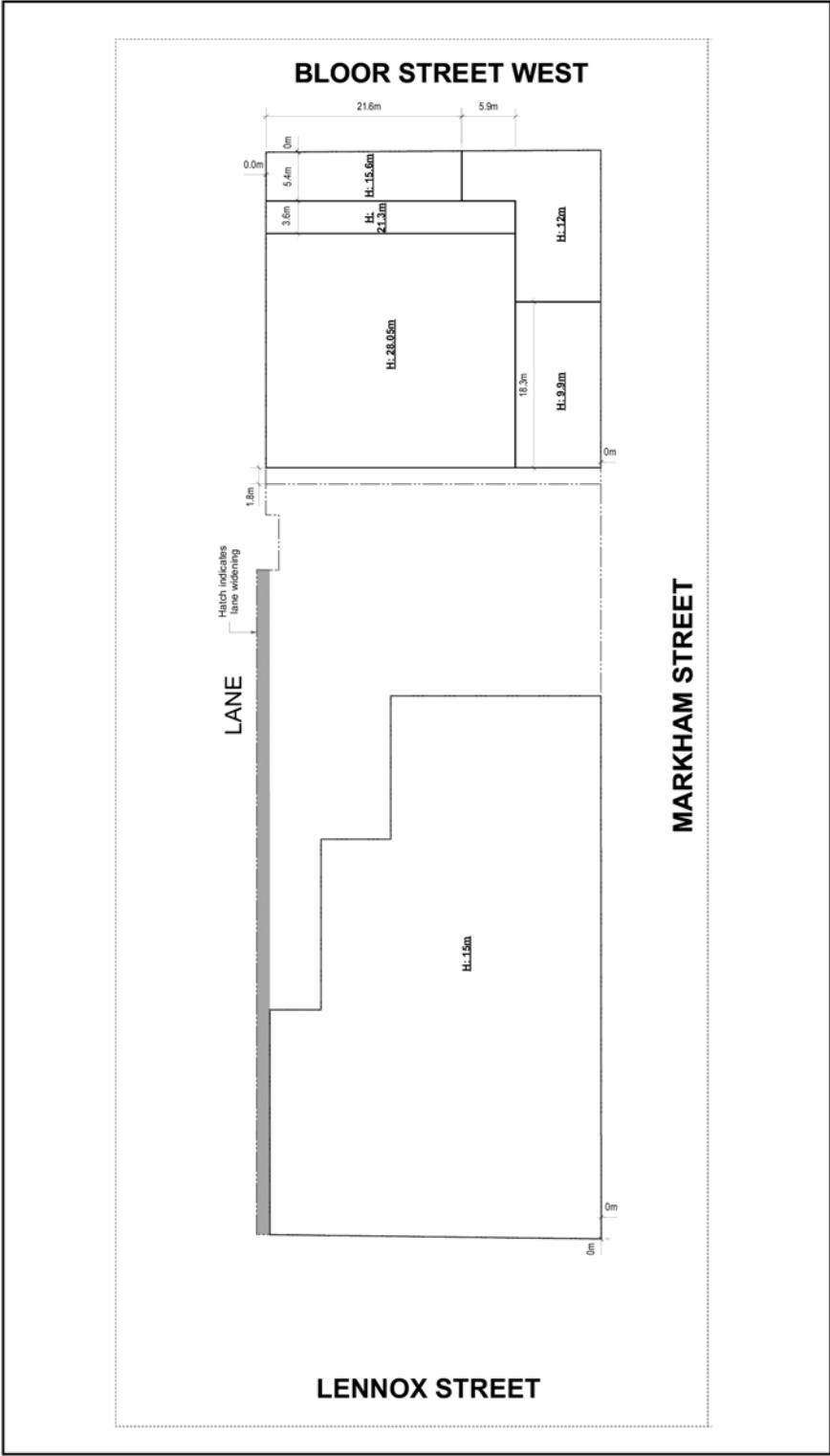
Ulli S. Watkiss,  
City Clerk

(Seal of the City)

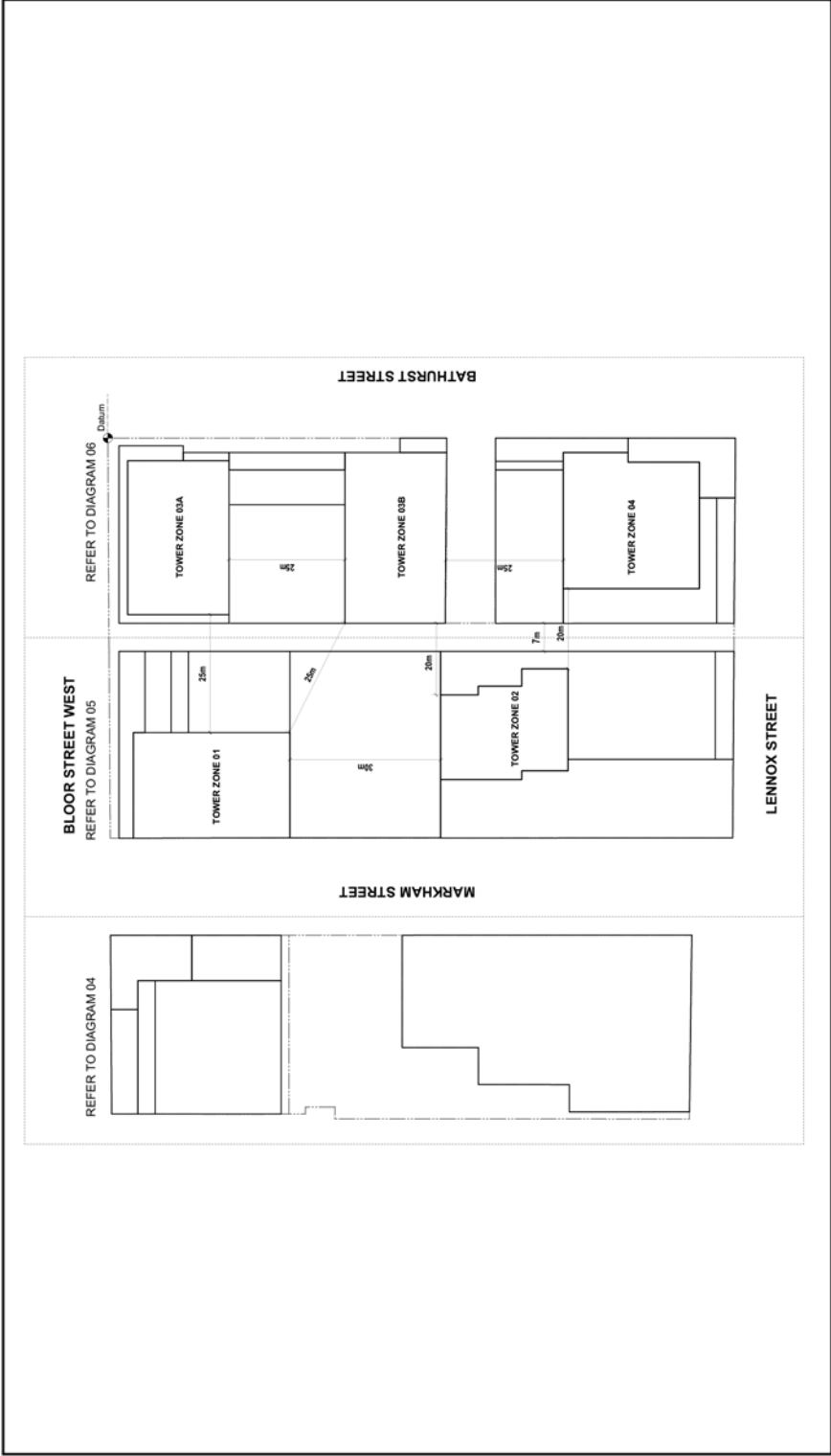
**MARKHAM STREET**



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

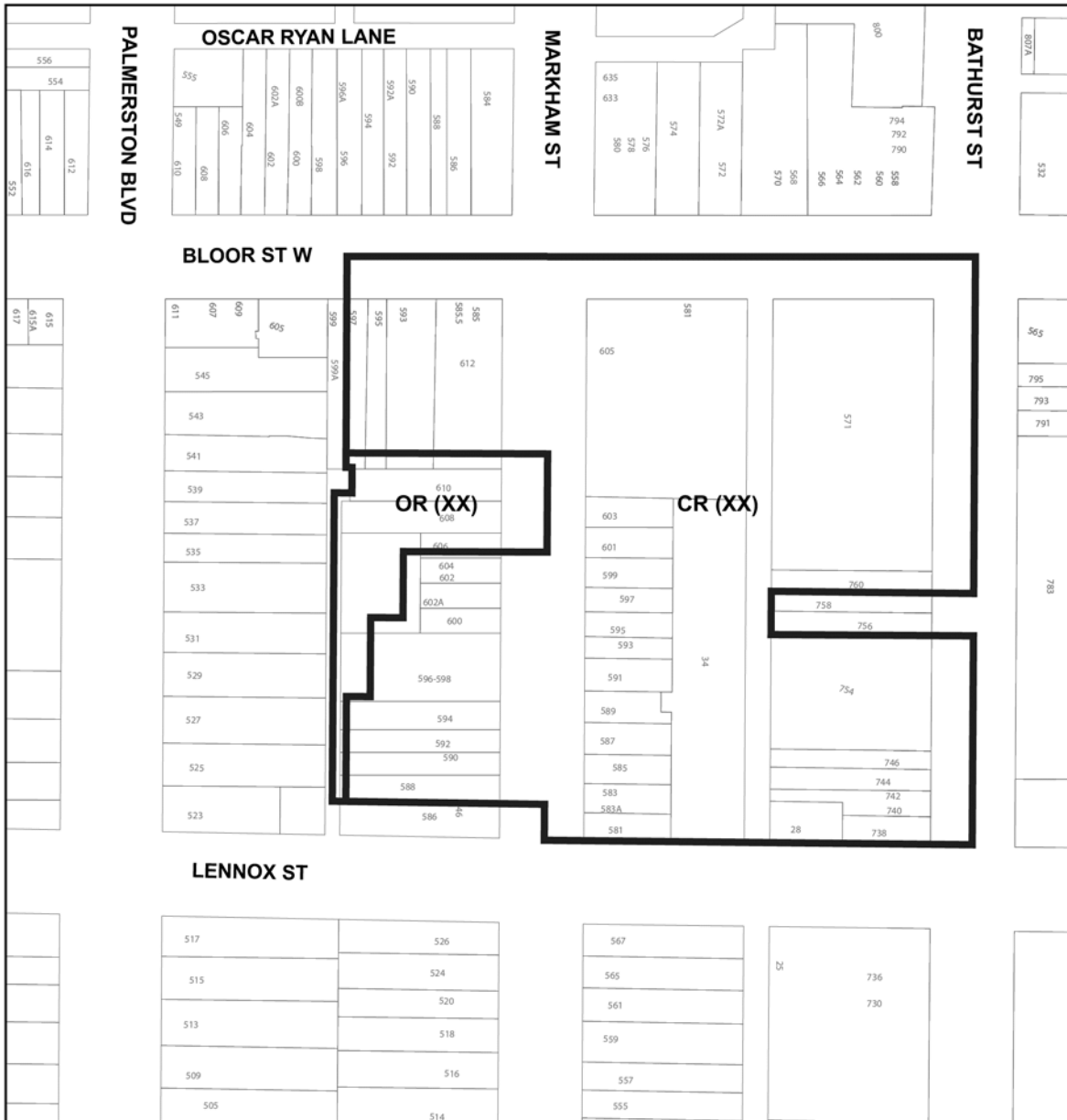


571 to 597 Bloor Street West, 738 to 782 Bathurst Street,  
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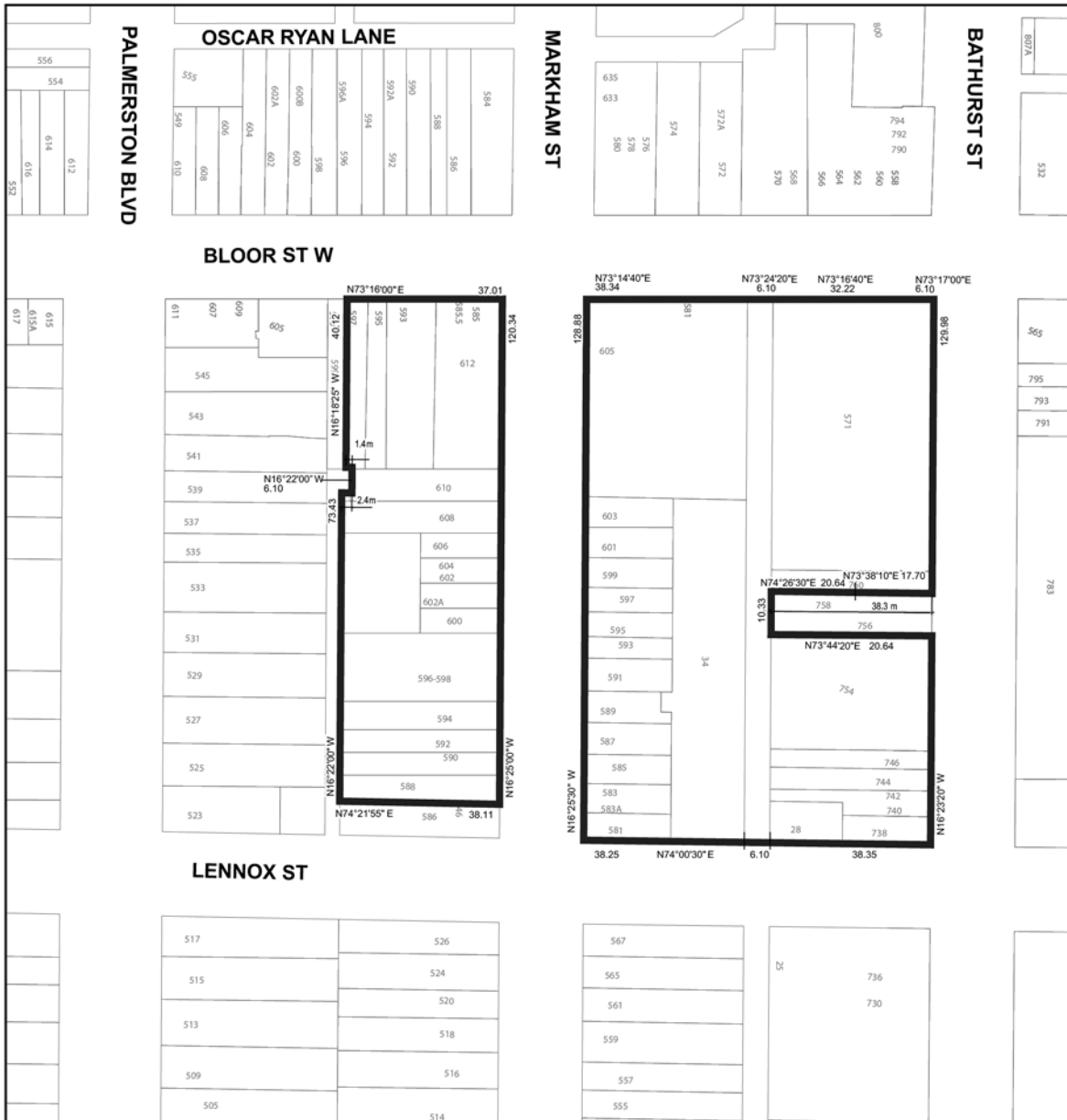
**Toronto**  
**Diagram 3**

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



**TORONTO**  
Diagram 2

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 OZ and 15 188805 STE 19 OZ



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  
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 City of Toronto By-Law 569-2013  
 Not to Scale  
 04/03/2017



571 to 597 Bloor Street West, 738 to 782 Bathurst Street,  
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