

Attachment 4 regarding TE34.10

City of Toronto By-law No. XXXX-2018

Attachment 4: Draft Zoning By-law Amendment (Amends By-law No. 438-86)

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CITY OF TORONTO BY-LAW No.

XXX-2018

To amend former City of Toronto Zoning By-law No. 438-86, respecting a portion of the lands municipally known as 571 Dundas Street West delineated on Map 1.

Whereas authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set out in the By-law; and

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

Whereas the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

Whereas the increases in the density and height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 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 and are to be secured by one or more agreements by the owner of such lands and the City of Toronto; and

Whereas Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

The Council of the City of Toronto enacts:

1. Section 2(1) of By-law No. 438-86, being "A By-law to regulate the use of land in the erection, use, bulk, height, spacing of/and other matters relating to buildings and

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structures in various areas of the City of Toronto", as amended, is further amended by:

2. District Map 50H-311 contained in Appendix 'A' of By-law No. 438-86, as amended, is hereby further amended by re-zoning the lands delineated by heavy lines to "MCR" and "R4A" as shown on Map 1, attached hereto.
3. Height and Minimum Lot Frontage Map 50H-311 contained in Appendix 'B' of By-law No. 438-86, as amended, is hereby further amended with respect to those lands delineated by heavy lines as shown on Map 1, attached hereto.
4. Nothing in By-Law 1710-2013 or Section 12(1)(490) shall apply to prevent the erection and use of buildings or structures on *Blocks 1, 2 and 3 of the Alexandra Park and Atkinson Co-op Phase 2 Area*, as shown on Map 1, attached hereto, provided that it meets the provisions contained in Section 12(1)(XXX).

PERMISSIVE EXCEPTION

5. Section 12(1) of By-law No. 438-86 is amended by adding the following exception:

"xxx. to prevent the construction of buildings or structures or the use of land on *Blocks 1, 2 and 3 in the Alexandra Park and Atkinson Co-op Phase 2 Area* in accordance with the following provisions:

(1) PERMITTED USES

- (a) The erection and use of a *temporary sales office* is permitted within *Blocks 1, 2 and 3* as shown on Map 1.
- (b) Below-grade *commercial parking garages* are permitted within *Blocks 1, 2 and 3* as shown on Map 1.

(2) FLOOR AREA

- (a) No person shall, within *Blocks 1 and 2*, erect or use a building or structure or portion thereof where:
 - (i) the total *residential gross floor area* on *Block 1* exceeds 15,800 square metres;
 - (ii) the total *non-residential gross floor area* on *Blocks 1 and 2* exceeds 4,100 square metres; or
 - (iii) the total *residential gross floor area* and *non-residential gross floor area* on *Block 1* exceeds 16,625 square metres.
- (b) For portions of a building above 42.5 metres, as shown on Map 4, no person shall erect a building or structure where the *floor plate area* of any storey above 42.5 metres exceeds 750 square metres.

- (c) *Dwelling units* provided on *Block 1* must comply with the following provisions:
- (i) a minimum of fifteen percent of the total number of *dwelling units* must be two (2) bedroom units and be a minimum size of 90 square metres each;
 - (ii) a minimum of ten percent of the *dwelling units* must be three (3) bedroom units and be a minimum size of 106 square metres each; and,
 - (iii) an additional 15 per cent of the total number of *dwelling units* will be a combination of 2-bedroom and 3-bedroom units.

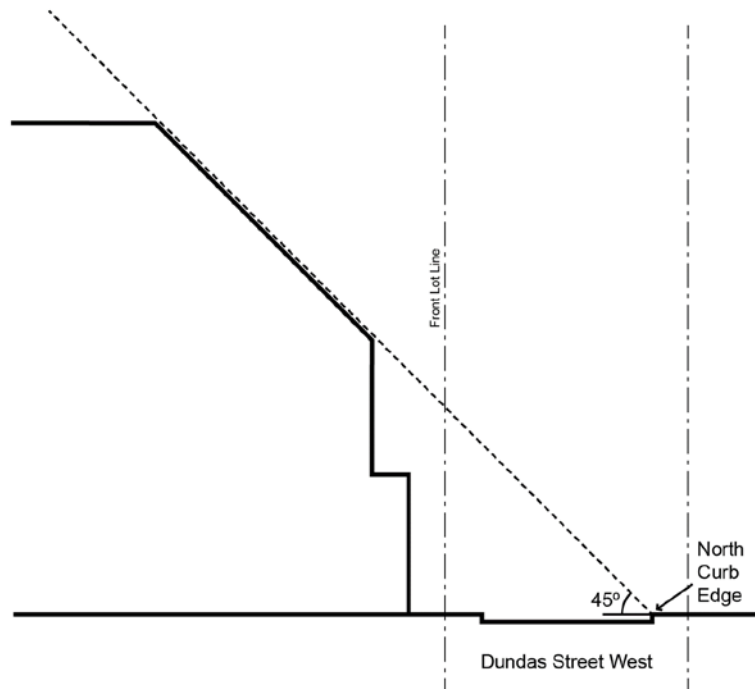
(3) BUILDING HEIGHT

- (a) Height limits shall be in accordance with Sub-section 4(2) of By-law No. 438-86, except that maximum height in metres shall be as shown on Map 4.
- (b) Section 5(3)(a) of this By-law does not prevent the erection or use of the following elements and enclosures, provided they do not penetrate the angular plane as described in Section 5(4) of this By-law:
 - (i) a stair tower, elevator shaft, chimney stack or other heating, cooling or ventilating equipment or window washing equipment or electrical energy generating equipment on the roof of the building or a fence, wall or structure enclosing such elements, provided:
 - 1. the maximum vertical extent of such elements or enclosures above the permitted *height* is no greater than 5 metres;
 - 2. the aggregate horizontal area of such elements, including the area contained *within* an enclosure, does not exceed 40% of the area of the roof of the building;
 - 3. the width of any such elements, including the width of an enclosure, located within six metres of a *block line* that is a *street* line, does not exceed 30% of the width of the main wall of the building facing the *block line* provided the width is to be measured parallel to the *block line* boundary;
 - (ii) mechanical penthouses, on *Blocks 1* and *2*, provided all elements are contained within an additional 6.5 metres above the maximum permitted building height in metres shown on Map 4;

- (iii) residential penthouses including vestibules and washrooms serving outdoor *residential amenity* areas on *Blocks* 1 and 2, provided all elements are contained within an additional 3.5 metres above the maximum permitted building height in metres shown on Map 4 and do not exceed a *residential gross floor area* of 150 square metres;
- (iv) structures that do not enclose space and are used for renewable energy purposes to a maximum of 3.0 metres above the permitted *height*; except that any such elements located on top of a structure identified in Section 5(3)(b)(i) are permitted to a maximum 8.0 metres above the permitted *height*;
- (v) structures that do not enclose space and are used for outside or open air recreation, maintenance, safety, or wind protection purposes, including landscape garden amenities, green roofs, parapets, and terrace guards/landscape planters to a maximum of 4.0 metres above the permitted *height*, subject to the limitations contained within Section 4(2)(a)(ii) of By-law No. 438-86; and
- (vi) balcony railings to a maximum of 1.8 metres above the permitted *height*.

(4) **ANGULAR PLANE**

- (a) In *Blocks* 1 and 2, all portions of a building or structure facing Dundas Street West must be contained within a 45-degree angular plane projected over the *lot* from the curb edge on the northern side of Dundas Street West as shown on the following diagram. All other portions of a building or structure on the *lot* facing Dundas Street West must be contained within the 45 degree angular plane.



- (b) Notwithstanding (a) above, portions of the buildings on *Blocks 1 and 2* may project into the angular plane, provided that the *floor area* projecting beyond the angular plane may not exceed 5% of the total *residential gross floor area* and *non-residential gross floor area* located within *Blocks 1 and 2*.

(5) **SETBACKS AND SEPARATION**

- (a) No portion of a building above 42.5 metres, as shown on Map 4, may be erected less than 25 metres from a portion of another building or structure above 42.5 metres on the *lot*, measured perpendicular from the main wall.
- (b) No portion of a building or structure may be located closer to a *block line* or any other building or structure than the distance in metres shown in Map 4.
- (c) Notwithstanding Section 5(5)(b), lighting fixtures, cornices, sills, eaves, canopies and awnings which may extend a maximum of 2.5 metres beyond the heavy lines shown on the attached Map 2.
- (d) Notwithstanding Section 5(5)(b), window washing equipment, parapets, railings, planters, balustrades, bollards, stairs, covered stairs or stair enclosures, fences and safety railings, trellises, guardrails, chimneys, vents, stacks, mechanical fans, retaining walls, wheel chair ramps,

landscape features, outdoor recreation uses, ornamental or architectural features, day nursery facilities, and public art elements may extend a maximum of 2.0 metres beyond the heavy lines shown on Map 2.

- (e) Notwithstanding Section 5(5)(b), garage ramps and portions of a building enclosing the ramps may extend beyond the heavy lines shown on Map 2, provided they comply with the following:
 - (i) A maximum 4.0 metres of projection beyond the heavy line; and
 - (ii) A maximum *height* of 3.0 metres.
- (f) Section 5(5)(b) does not apply to structures that do not enclose space and are used for outside or open air recreation, maintenance, safety, or wind protection purposes, including landscape garden amenities, green roofs, parapets, and terrace guards/landscape planters to a maximum of 4.0 metres above the permitted *height*.

(6) STREET RELATED RETAIL

- (a) Within the Street Related Retail Area show on Map 3, no more than 30% of the total length of the Street Related Retail Area's frontage on Dundas Street West may be used for any use other than for street related retail and service uses or office uses permitted by Section 8(1)(f)(b)(vi) of By-law No. 438-86.
- (b) No dwelling units may be located facing Dundas Street West on the ground floor of a building or structure which faces onto Dundas Street West.

(7) RESIDENTIAL AMENITY SPACE

- (a) *Residential amenity space* on Block 1 shall be provided and maintained as follows:
 - (i) a minimum of 3.0 square metres of *residential amenity space* per dwelling unit, of which not less than 1.5 square metres per dwelling unit shall be provided as indoor *residential amenity space*;
 - (ii) a minimum of 40 square metres of outdoor *residential amenity space* provided in a location accessible from *indoor residential amenity space*;
 - (iii) indoor *residential amenity space* will not include guest suites.

- (b) *Residential amenity space* on *Blocks 1 and 2* shall be provided in accordance with Section 4(12) of By-law No. 438-86, except that:
- (i) a portion of the indoor *residential amenity space* required on *Block 1* may be located in the community facility to be provided elsewhere within the *Alexandra Park and Atkinson Co-op Area*, in addition to the minimum required *gross floor area* of the community facility, provided a minimum of 100 square metres of indoor *residential amenity space* is located on-site in *Block 1*;
 - (ii) *residential amenity space* required on *Block 1* may be accessible to residents of *Block 1* and *Block 2*; and,
 - (iii) none of the *residential amenity space* located on *Block 1* may be used to satisfy the requirements for *residential amenity space* required on *Block 2*.
- (c) No indoor or outdoor *residential amenity space* will be required for any *social housing townhouses*.

(8) VEHICULAR PARKING

- (a) On *Block 1*, parking facilities shall be provided in accordance with Section 4(5) and 4(10) of By-law No. 438-86, except that:
- (i) Parking spaces for each dwelling unit in a building containing more than 6 dwelling units, shall be provided and maintained at the rate of:
 - Residents: a minimum of 0.47 spaces per unit;
 - Visitors: a minimum of 0.1 spaces per unit.Save and except that the maximum required resident parking spaces shall be reduced by 4 parking spaces for each car-share parking space provided, and the maximum reduction permitted by this means shall be limited by the application of the following formula:
$$4 \times (\text{Total No. of Units} \div 60), \text{ rounded down to the nearest whole number};$$
- (b) On *Blocks 2 and 3*, parking facilities shall be provided in accordance with Section 4(5) and 4(10) of By-law No. 438-86, except that:
- (i) a minimum of 0.32 *parking spaces per dwelling unit* for residents and visitors shall be provided and maintained for all *dwelling units*;
 - (ii) a maximum of 0.60 *parking spaces per dwelling unit* for residents

and visitors shall be provided and maintained for all *dwelling units*;

(iii) *parking spaces* shall be provided either in a permitted parking facility on the same *Block* containing the use for which the parking is to be provided or in a permitted parking facility on another *Block* within the *Alexandra Park and Atkinson Co-op Phase 2 Area*.

(c) Notwithstanding Section 5(9)(a) and (b) of this By-law XXX-2018, prior to completion of construction on *Blocks* 1, 2 and 3, parking may be provided at grade within the *Alexandra Park and Atkinson Co-op Area* or within a parking facility located within 200 metres of the boundary of the *Alexandra Park and Atkinson Co-op Area*.

(9) LOADING

(a) Loading facilities shall be provided on *Blocks* 1 and 2 as follows:

(i) 1 Type “B” loading space subject to the following dimensions:

- (A) minimum length of 11.0 metres;
- (B) minimum width of 3.5 metres; and
- (C) minimum vertical clearance of 4.0 metres; and

(ii) 1 Type “G” loading space subject to the following dimensions:

- (A) minimum length of 13.0 metres;
- (B) minimum width of 4.5 metres; and
- (C) minimum vertical clearance of 6.1 metres.

(b) A driveway to a loading space must have:

(i) a minimum width along its entire length of:

- (A) 3.5 metres for a one-way driveway; or
- (B) 6.0 metres for a two-way driveway; and

(ii) a minimum vertical clearance along its entire length of:

- (A) 4.4 metres to a Type "G" loading space;
- (B) 4.0 metres to a Type "B" loading space; and

(c) The permitted maximum slope of a driveway leading to a loading space is:

- (i) 8% for a Type "G" loading space; and
- (ii) 15% for a Type “B” loading space.

(d) If a loading space is inside a building:

(i) the vehicle entrance and exit for a two-way driveway into and out of the building must have a minimum width of 5.5 metres; and

(ii) the vehicle entrance or exit for a one-way driveway into or out of the building must have a minimum width of 3.5 metres, if the vehicle

entrance or exit is 6.0 metres or more away from the lot line abutting a street.

(10) BICYCLE PARKING

- (a) *Bicycle parking spaces* shall be provided as follows:
- (i) a minimum of 1.0 *bicycle parking spaces* for each dwelling unit, allocated as 0.9 *long-term bicycle parking space* per dwelling unit and 0.1 *short-term bicycle parking space* per dwelling unit;
 - (ii) If the calculation of the minimum *bicycle parking spaces* results in a fraction of a *bicycle parking space* being required, the number of required *bicycle parking spaces* must be rounded up to the next whole number.
- (b) The minimum dimension of a *bicycle parking space* is:
- (i) minimum length of 1.8 metres;
 - (ii) minimum width of 0.6 metres; and
 - (iii) minimum vertical clearance from the ground of 1.9 metres.
- (c) The minimum dimension of a *bicycle parking space* if placed in a vertical position on a wall, structure or mechanical device is:
- (i) minimum length or vertical clearance of 1.9 metres;
 - (ii) minimum width of 0.6 metres; and
 - (iii) minimum horizontal clearance from the wall of 1.2 metres.
- (d) If a *stacked bicycle parking space* is provided, the minimum vertical clearance for each *bicycle parking space* is 1.2 metres.
- (e) An area used to provide *bicycle parking spaces* must have a minimum vertical clearance of:
- (i) 2.4 metres if it is a stacked bicycle parking space; and
 - (ii) 1.9 metres in all other cases.

- (f) *Long-term bicycle parking spaces* must be located in a building within a secure room or area.
- (g) *Bicycle parking spaces* must be on the same lot as the dwelling for which it is required.
- (h) *Long-term bicycle parking spaces* may be located:
 - (i) on the first storey of the building;
 - (ii) on the second storey of the building;
 - (iii) on the 1st level of the building below *grade*.
- (i) A maximum of 50% of the required *Long-term bicycle parking spaces* may be located in a *stacked bicycle parking space*.

(11) GENERAL

- (a) Despite any existing or future severance, partition, or division of the lot, the provisions of this exception shall apply to the whole of the lot, as if no severance, partition or division had occurred.
- (b) Within the lot, no person shall use any land or erect any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - (i) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway;
 - (ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

(12) DEFINITIONS

- (a) For the purposes of this By-law, and subject to Section 5(12)(b) below, the terms set forth in italics shall have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended; and
- (b) The following definitions shall apply:
 - "bicycle parking spaces"* means an area used for parking or storing a bicycle.

"Block" means an area outlined in heavy lines on Map 2.

"block line" means a heavy line shown on Map 2, defining a *Block*.

“*floor area*” means the two-dimensional area of a *storey* of a *building* or portion of a *storey* of a *building* measured immediately below the *storey* above;

“*floor plate area*” 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, and excluding balconies.

“*grade*” means 97.74 metres Canadian Geodetic Datum.

“*height*” means the vertical distance between *grade* and the highest point of the roof, building or structure, as shown on Map 4 exclusive of any elements described in Section 5(3)(b) of this By-law.

“*long-term bicycle parking spaces*” are bicycle parking spaces for use by the occupants or tenants of a building.

“*lot*” means *Blocks 1, 2 and 3* as shown on Map 1.

“*non-residential gross floor area*” means the aggregate of the areas of each floor above *grade* of a *non-residential building* or the non-residential portion of a *mixed-use building*, measured between the exterior faces of the exterior walls of the building, excluding the floor area of mechanical uses located on the roof or integrated within the top floor of the building, but inclusive of the following areas: the space occupied by walls and stairs; voids at the level of each floor, such as an atrium, mezzanine, stairwell, escalator, elevator, ventilation duct, utility shaft, parking of motor vehicles or bicycles, storage, or other *accessory* use.

“*rent-geared-to-income*” has the same meaning as in Section 38 of the *Housing Services Act, 2011*.

“*replacement rental dwelling units*” means the rental dwelling units to be constructed pursuant to this By-law.

“*residential gross floor area*” means the aggregate of the areas of each floor above *grade* of a *residential building* or the residential portion of a *mixed-use building*, measured between the exterior faces of the exterior walls of the building, excluding the floor area of mechanical uses located on the roof or integrated within the top floor of the building, but inclusive of the following areas: the space occupied by walls and stairs; voids at the level of each floor, such as an atrium, mezzanine, stairwell, escalator, elevator, ventilation duct, utility shaft, parking of motor vehicles or bicycles, storage, or other *accessory* use.

"*short-term bicycle parking spaces*" are bicycle parking spaces for use by visitors to a building.

"*stacked bicycle parking space*" means a horizontal bicycle parking space that is positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces.

"*temporary sales office*" means an office located in a building, structure, facility or trailer, satisfactory to the City's Chief Planner and used exclusively for the initial sale and or initial leasing of dwelling units or non-residential gross floor area to be erected on *Blocks 1, 2 and 3*.

"*townhouse*" means one of a series of more than two attached dwelling units divided from another by a party wall, and may be integrated with direct at-grade access in the base building of a multi-unit residential or mixed-use building with each dwelling unit facing a public street or a privately owned publicly accessible open space.

(13) **SECTION 37**

- (a) 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
- (b) 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 Schedule A are satisfied.

Enacted and passed on ~ , 2018.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

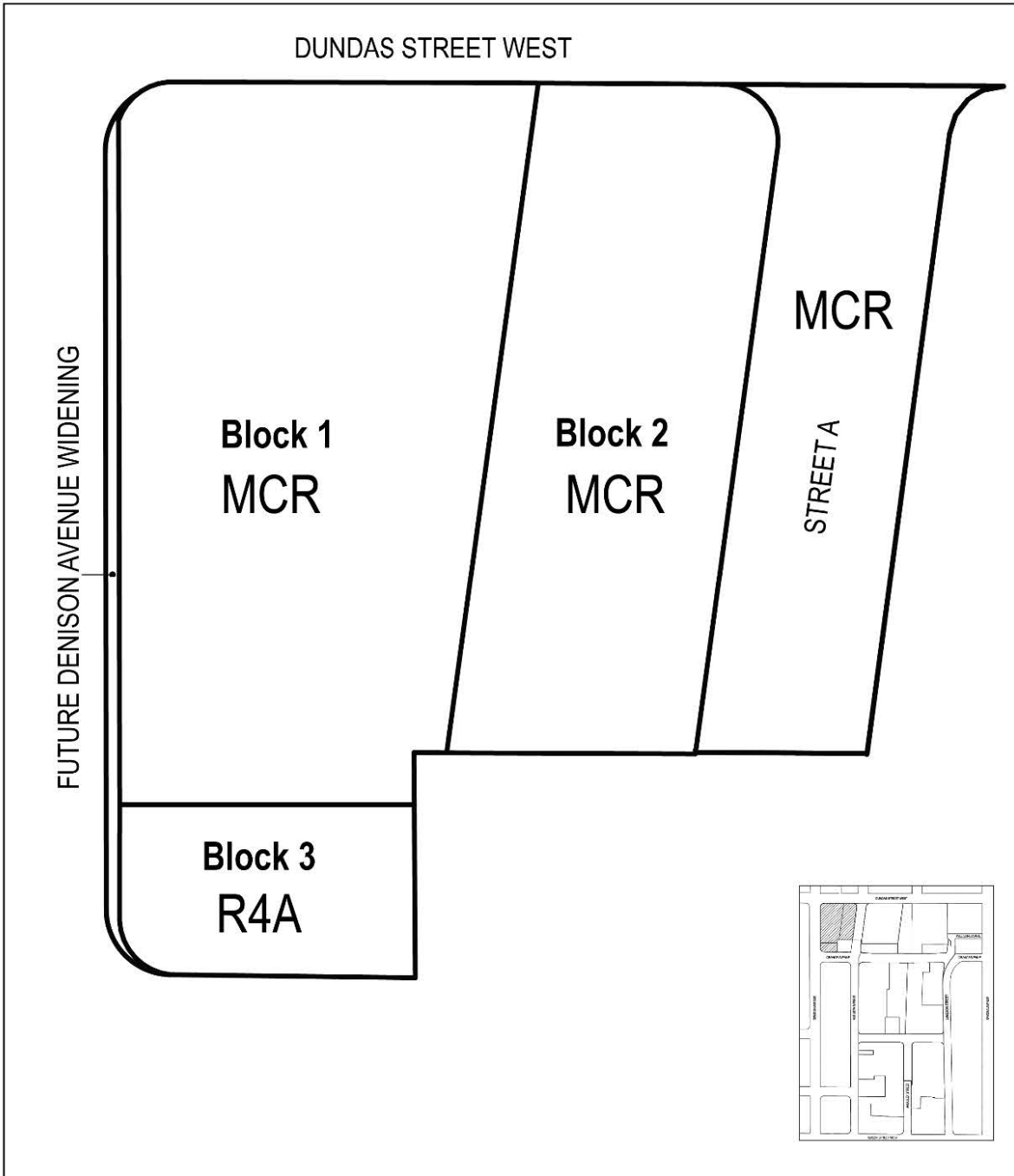
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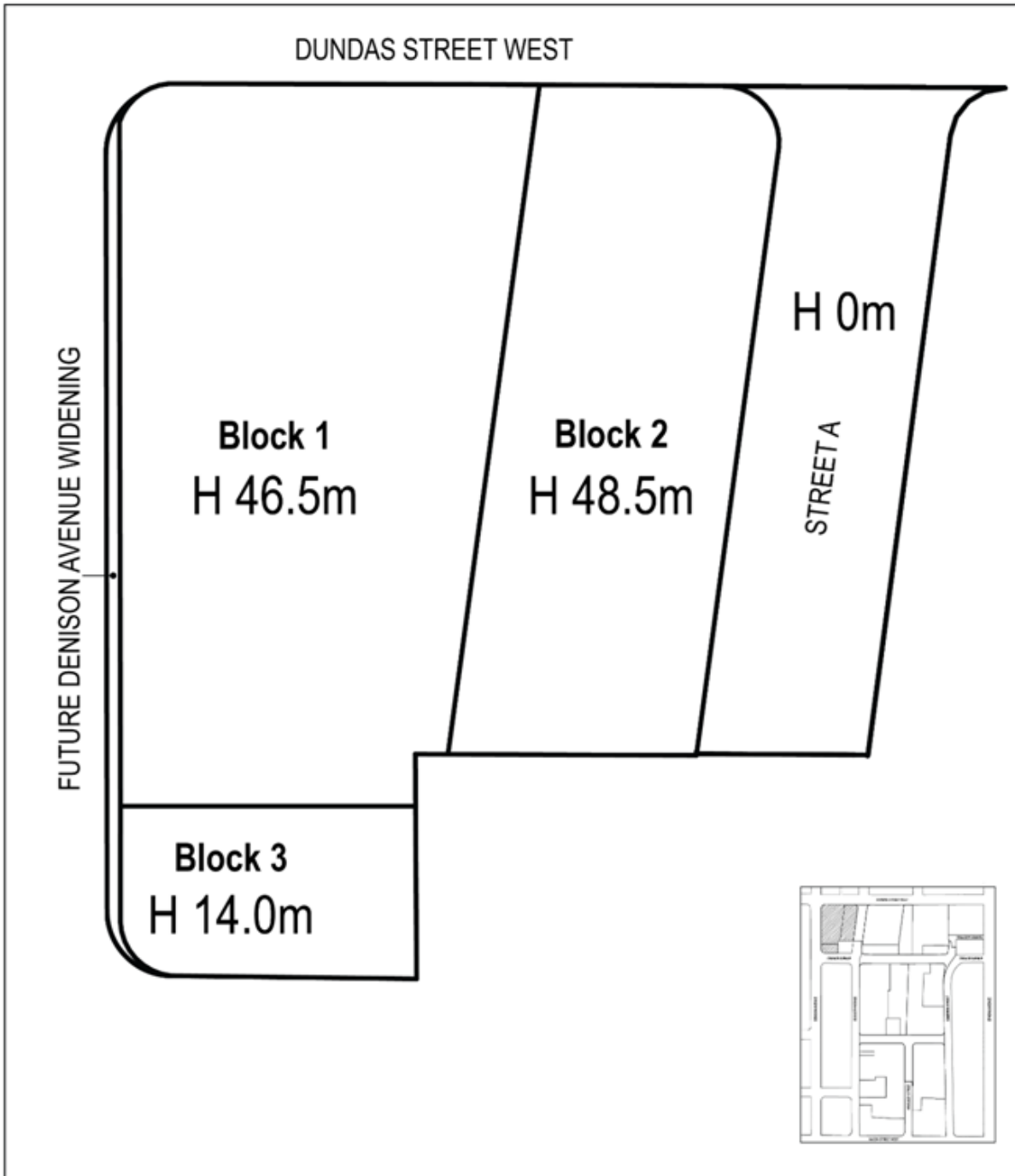
SCHEDULE A

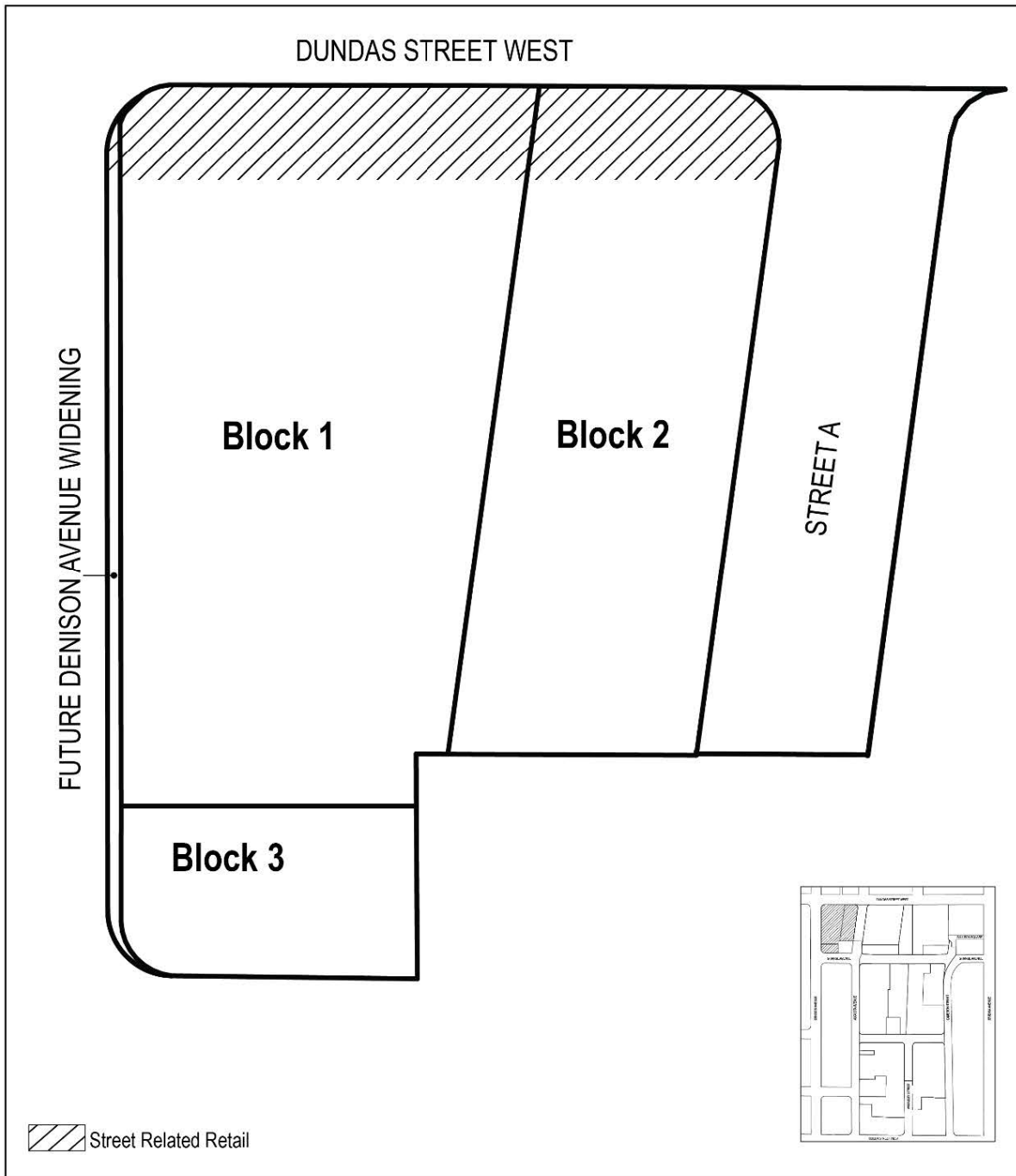
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City by the *owner* at their expense in accordance with one or more agreements entered into pursuant to Section 37 of the Planning Act and/or Section 111 of the City of Toronto Act, 2006. These agreements shall amend the existing Section 37 Agreement (Instrument Number AT3518413) and the existing Section 111 Agreement (Instrument Number AT3518416, in a form satisfactory to the *City* with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement in return for the increase in height of the proposed development on the lands as shown on Map 1 of this By-law and as secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the *owner* agrees as follows:

- i. Prior to issuance of the first below grade permit for the first market building to be constructed in a Phase other than Phase 1 or Phase 2A, the owner shall submit a report detailing the refurbishment plans described in Section 7 of the existing Section 37 Agreement, for the existing buildings located at 73-75 Augusta Square and 91 Augusta Avenue to the satisfaction of the Chief Planner and Executive Director, City Planning Division. The refurbishment of these buildings shall be completed prior to the registration of the last market condominium building to be completed within Phase 2.
- ii. Prior to the registration of the first market condominium building in a Phase other than Phase 1 or Phase 2A, the owner shall provide to the City a minimum 2,000 square feet of non-residential floor space, to a minimum construction value of \$500,000.00, within Blocks 4, and/or 6 to the satisfaction of the Chief Planner and Executive Director, City Planning Division, City Solicitor, and Director, Real Estate Services, and in consultation with the Ward Councillor for use as social enterprise space;
- iii. Issuance of a Notice of Approval Conditions for Site Plan Approval pursuant to Section 114 of the *City of Toronto Act* is not required prior to the issuance of any demolition permit for a Phase 2A Existing Social Housing Unit;
- iv. Prior to the registration of a subdivision agreement for any block other than Blocks 10,11,12,13,14, or 15 or a Block in Phase 2A, the owner will submit a public art plan;
- v. Prior to the issuance of Final Site Plan Approval, the owner will submit plans that include wind mitigation measures as determined through a satisfactory wind analysis, to the satisfaction of the Chief Planner and Executive Director, City Planning; and,
- vi. Prior to the issuance of the first above-grade building permit, the owner will design and construct, of required improvements to municipal infrastructure identified in the Functional Servicing and Stormwater Management Reports, should it be determined that improvements or upgrades are required to support the development, according to the accepted Functional Servicing and Stormwater Management Reports, all to the satisfaction of the Chief Engineer & Executive Director, Engineering and Construction Services Division.







Map 3
Street Related Retail

Alexandra Park Revitalization

File # XX XXXXXXXX



Not to Scale
04/16/2018

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