

Attachment 6: Draft Zoning By-law Amendment (438-86)

Authority: Toronto and East York Community Council Item ##, as adopted by City of Toronto Council on ~, 2020

**CITY OF TORONTO**

**BY-LAW No. XXXX-2020**

**To amend City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known in the year 2020 as 33 Isabella 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*; and

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

WHEREAS subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the 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 density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

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

1. Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in density of development is permitted beyond that otherwise permitted on the lands shown on Map 1 as Parcel A in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Appendix 1 hereof and which are to be 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.

2. 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, the issuance of such permit shall be dependent on satisfaction of same.
3. The owner shall not use, or permit the use of, a building or structure erected with an increase in density pursuant to this By-law unless all provisions of Appendix 1 are satisfied and an agreement pursuant to Section 37(3) of the *Planning Act* is registered on title to the lands to the satisfaction of the City Solicitor.
4. Except as otherwise provided herein, the provisions of former City of Toronto By-law No. 438-86, as amended, shall continue to apply to the *lot*.
5. The provisions of this By-law shall apply to the lands outlined in heavy lines on Map 1 attached.
6. None of the provisions of Section 2(1) with respect to the definition of the terms *lot*, *grade*, *height*, *residential gross floor area*, *non-residential gross floor area*, *bicycle parking space - occupant*, *bicycle parking space - visitor* and Sections 4(2),4(4), 4(5), 4(11), 4(12), 4(13), 4(17), 6(1), 6(2)(11)(12)(19), 6(3) Part I 1, 6(3) Part II, and 6(3) Part III, 6(3) Part IV of By-law No. 438-86, 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 the lands municipally known as 33 Isabella Street for an *apartment building* containing dwelling units and office uses provided that:
  - (a) the *lot* consists of the lands shown as Parcel A on Map 1 attached hereto and forming part of this by-law;
  - (b) In addition to those uses permitted pursuant to Section 6(1) of By-law 438-86, as amended, the following uses are permitted on the first storey in Building A as shown on Map 2:
    - i. Office Uses;
  - (c) The total combined *residential gross floor area* and *non-residential gross floor area* on the *lot* shall not exceed 24,760 square metres, provided:
    - i. the total *residential gross floor area* for Building A as shown on Map 2 shall not exceed 2,150 square metres;
    - ii. the total *non-residential gross floor area* for Building A as shown on Map 2 shall not exceed 400 square metres;
    - iii. the total *residential gross floor area* for Building B as shown on Map 2 shall not exceed 22,550 square metres;;

- (d) The total number of dwelling units in Building A identified on Map 2 must not exceed 15; and the provision of dwelling will comprise the following:
- i. a minimum 2 dwelling units as bachelor units;
  - ii. a minimum of 6 dwelling units must contain at least one-bedroom;
  - iii. a minimum of 2 dwelling units must contain at least two-bedrooms;
  - iv. a minimum of 5 dwelling units must contain at least three or more bedrooms;
- (e) No portion of Building A as shown on Map 2, including a mechanical penthouse containing equipment and structures used for the functional operations of the building, shall be located above the *heights* shown on Map 2 attached to and forming part of this By-law, with the exception of the following:
- i. Antennae, flagpoles, satellite dishes, weather vanes, parapets, chimneys, solar panels, architectural features, and elements and structures associated with a green roof may project a maximum of 2.0 metres above the height specified by the numbers following the "HT";
- (f) The maximum permitted number of storeys in Building A on Map 2 is 4, excluding the mechanical penthouse;
- (g) No portion of Building A as shown on Map 2 erected or used above grade shall be located otherwise than wholly within the areas delineated by heavy lines shown on Map 2 attached to and forming part of this By-law, except for the following:
- i. canopies and awnings may encroach up to a maximum of 2.7 metres;
  - ii. cornices, architectural elements, pilasters and eaves, bay windows, window sills and light fixtures may encroach up to a maximum of 1.0 metres;
  - iii. stairs, stair enclosures, doors, wheelchair ramps, screens, site servicing features and underground garage ramps and associated structures may encroach up to a maximum of 1.5 metres; and
  - iv. balconies may encroach up to a maximum of 1.8 metres;
- (h) *Residential amenity space* shall be provided on the lot in accordance with the following:

- i. a minimum of 373 square metres of indoor *residential amenity space*; and
  - ii. a minimum of 2.0 square metres of outdoor *residential amenity space* per dwelling unit for all dwelling units on the lot;
- (i) *Parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
  - i. a minimum of 0.17 *parking spaces* per *dwelling unit* for the use of residents of Building A and Building B;
  - ii. a minimum of 0.03 *parking spaces* per *dwelling unit* for non-residential visitors;
  - iii. a minimum of 7 *parking spaces* for office uses;
  - iv. a minimum of 3 accessible *parking spaces*; and
  - v. accessible *parking spaces* must be provided and maintained on the lot with minimum vertical clearance from the ground of 2.0 metres;
- (j) *Bicycle parking spaces* shall be provided on the lot in accordance with the following:
  - i. a minimum of 0.9 *bicycle parking spaces - occupant* shall be provided for each dwelling unit allocated as long term *bicycle parking spaces*;
  - ii. a minimum of 0.1 *bicycle parking spaces - visitor* for each dwelling unit allocated as short term *bicycle parking spaces*; and
  - iii. a minimum permitted width of a *bicycle parking space* is 0.4 metres.
- (k) One Type "G" loading space shall be provided and maintained on the lot;
- (l) On Parcel A as shown on Map 1, none of the provisions of Subsections (2), (4), (6), and (8) of Section 1 of Former City of Toronto By-law 188-68 apply to prevent the erection of and use of buildings or structures if in compliance with regulations (a) to (k) above.
- (m) On Parcel A as shown on Map 1, none of the provisions of Sections 1 and 2 of Former City of Toronto By-law 310-69 apply to prevent the erection of and use of buildings or structures if in compliance with regulations (a) to (l) above.
- (n) None of the provisions in (a) to (m) above will prevent the buildings,

structures, and uses existing as of January 1, 2020 on Parcel B as shown on Map 1, are permitted on Parcel B.

Prevailing By-laws and Prevailing Sections:

(a) Former City of Toronto By-laws 188-68 and 310-69.

7. For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended, with the exception of the following terms:

(a) Bicycle parking spaces – visitor shall mean an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles and may be within a secured room and/or within a parking stacker - bicycle, and;

- i. Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.4 metres by 1.8 metres;
- ii. Where bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.4 metres by 1.2 metres; and
- iii. May be located indoors or outdoors including within a secured room or enclosure.

(b) Bicycle parking spaces - occupant shall mean an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles and may be within a secured room and/or within a parking stacker - bicycle, and;

- i. Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.4 metres by 1.8 metres;
- ii. Where bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.4 metres by 1.2 metres; and
- iii. May be located indoors or outdoors including within a secured room or enclosure.

(c) parking stacked – bicycle means a mechanical bicycle parking facility with bicycle parking spaces which:

- i. Positioned above each other or another bicycle parking space;
- ii. The platform of such bicycle parking space may have dimensions of not less than 0.37 metres by 1.8 metres and a height allowance of 1.2 metres; and
- iii. May not be readily accessible at all times without maneuvering another bicycle or device

(d) grade means 112.20 metres Canadian Geodetic Datum;

(e) non-residential gross floor area shall mean the sum of the total areas of each floor level of a building, above and below grade, measured from the exterior of the main wall of each floor level, reduced by the area of the building used for:

- i. Parking, loading and bicycle parking below ground;

- ii. Commercial Parking Garage;
- iii. Required loading spaces at the ground level and required bicycle parking spaces at or above ground;
- iv. Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
- v. Shower and change facilities required by this By-law for required bicycle parking spaces;
- vi. Amenity space required by this By-law
- vii. Elevator shafts;
- viii. Garbage shafts;
- ix. Mechanical penthouse; and
- x. Exit stairwells in the building

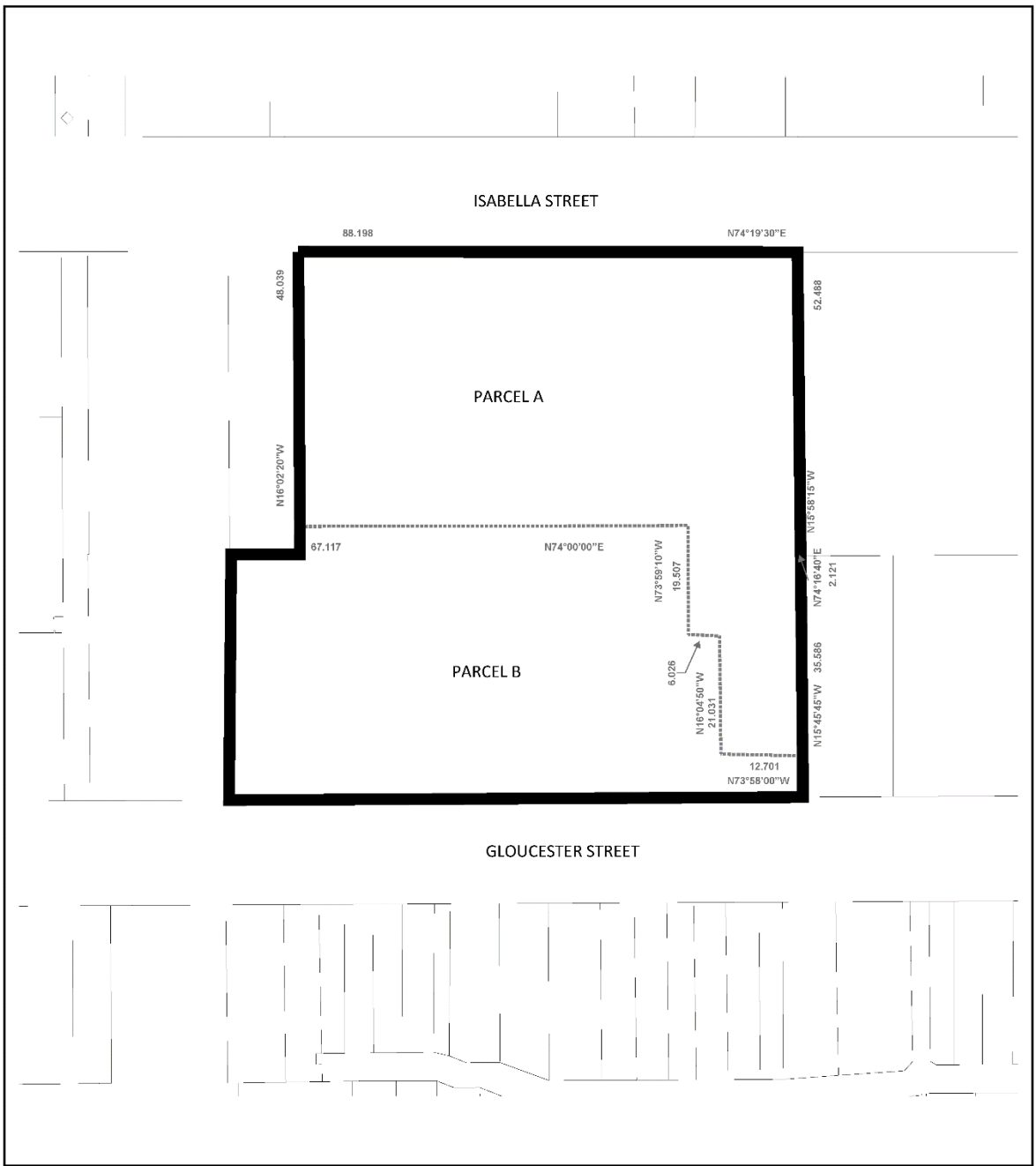
(f) height means the vertical distance between grade and the highest point of the building or structure;

(g) lot means those lands identified as Parcel A on Map 1 attached to and forming part of this By-law;

(h) residential gross floor area shall mean the sum of the total areas of each floor level of a building, above and below grade, measured from the exterior of the main wall of each floor level, reduced by the area of the building used for:

- i. Parking, loading and bicycle parking below ground;
- ii. Required loading spaces at the ground level and required bicycle parking spaces at or above ground;
- iii. Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
- iv. Shower and change facilities required by this By-law for required bicycle parking spaces;
- v. Amenity space required by this By-law;
- vi. Elevator shafts;
- vii. Garbage shafts;
- viii. Mechanical penthouse; and
- ix. Exit stairwells in the building

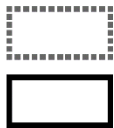
**8.** Despite any existing or future severance, partition, division, dedication or conveyance of the lot, the provisions of this By-law shall apply to the whole lot as if no severance, partition, division, dedication or conveyance occurred.



 **TORONTO**  
Map 1


**33 Isabella Street**

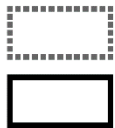
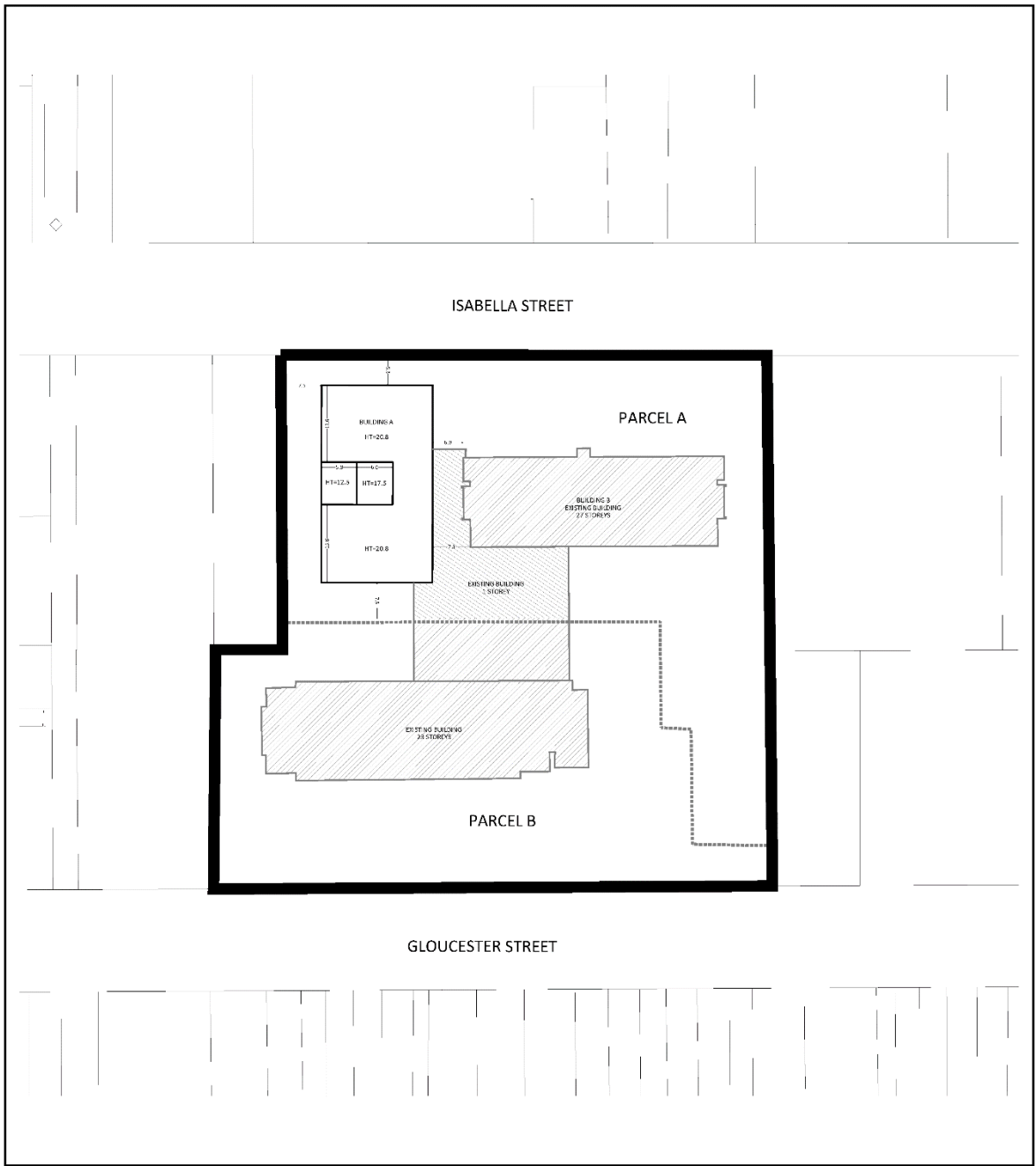
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Location of application

Areas affected by this By-Law

  
Former City of Toronto By-law 438-86  
Not to Scale  
07/13/2020



Location of application

Areas affected by this By-Law



## Appendix 1

### Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in density of the proposed development on the lands as shown Parcel A in Map 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

1. The following matters are to be secured in the Section 37 Agreement as a legal convenience to support the development:
  - a) The owner shall continue to provide and maintain the 419 existing rental dwelling units at 33 Isabella Street as rental dwelling units, together with the new and retained associated facilities and amenities, for a period of at least twenty (20) years from the date of the Zoning By-law Amendments coming into full force and effect, with no applications for demolition or conversion from residential rental use made during such twenty (20) year period, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
  - b) Prior to the earlier of either two years after issuance of the first above-grade building permit for the subject site or occupancy of the new building at 33 Isabella Street, the owner shall provide, repair, operate, or maintain at its sole expense the following facilities, amenities and improvements on the subject site as illustrated in the architectural plans and landscape plans dated December 16, 2019, with no pass-through of the costs to the existing tenants, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor:
    - i. 434 Bicycle Parking Spaces, including 430 spaces within the underground parking, and 4 spaces at-grade;
    - ii. Indoor storage of garbage, recycling and composting, located at the P1 Parking Level and the ground floor of the new building;
    - iii. iii. New Indoor amenity space of 373 square metres which shall include, but is not limited to: theatre/media room; gymnasium which shall include, nine cardiovascular and six weight machines, and space for stretching exercises; communal/multi-purpose space which shall include, lockers, seating and tables; party room which shall include, a kitchen, tables and chairs, and a direct connection to the adjacent outdoor amenity area; and a games room which shall include, a kitchen, table, seating and pool table;
    - iv. Two universal washrooms located on the ground floor of the retained building;

- v. New outdoor amenity space of 868 square metres which shall include: outdoor seating, dining tables and five picnic tables; two outdoor cooking appliances, and associated food preparation surfaces and sinks; planting and landscape treatments; and play structure/equipment; and
  - vi. A total of 285 storage lockers accessible to tenants of the retained rental building and located within the three underground levels of the retained rental building, to the satisfaction of the Chief Planner and Executive Director, City Planning.
- c) The owner shall provide residents of the existing residential rental units with access to the new indoor and outdoor amenity spaces of the new and retained building at 33 Isabella Street at no extra charge to the tenants and with no pass-through cost to the tenants of the existing building. Access and the use of these amenities shall be on the same terms and conditions as any other resident on the subject site;
- d) Prior to the issuance of any below grade building permit for the subject site, the owner shall develop a Construction Mitigation Strategy and a Tenant Communication Plan to mitigate the impacts of construction on existing tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning; and
- e) The owner shall provide existing tenants occupying the retained rental units which will directly face the new mixed-use building with the option to relocate to a comparable rental dwelling unit elsewhere in the retained building, should such a comparable rental dwelling unit become vacant and should the existing tenant choose the option to relocate within the retained rental building. The tenant's rent for such comparable rental dwelling unit shall not exceed the rent last paid by the tenant. The order of priority for consideration for relocation shall be based on tenant seniority. The retained rental units identified above include the bachelor units located on the west side of the retained rental building, from the second floor to the seventh floor, inclusive. These studio units are typically identified as Unit 5 on the Typical Floor Plans submitted as part of the Existing Architectural Plans. The unit number will vary depending on the floor on which it is located. The order of priority for consideration for relocation shall be based on tenant seniority.