

Attachment 7: Draft Zoning By-law Amendment (569-2013)

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

**CITY OF TORONTO**

**BY-LAW No. XXXX-20~**

**To amend City of Toronto Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 33 Isabella Street and 30 Gloucester 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. 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in

Zoning By-law No. 569-2013, Chapter 800 Definitions.

3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to R (d2.5) (x89) as shown on Diagram 2 attached to this By-law; and
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number x89 so that it reads:

### **Exception R x89**

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

Site Specific Provisions:

- (A) On 33 Isabella Street, shown as Parcel A on Diagram 1 of By-law [Clerks to supply by-law ##], if the requirements in Section 6 and Schedule A of By-law [Clerks to supply by-law ##] are complied with then an **apartment building** may be constructed in compliance with (B) to (U) below;
- (B) For the purpose of this exception, the **lot** is defined as Parcel A on Diagram 1 of By-law [Clerks to supply by-law ##];
- (C) In addition to the uses permitted in Article 10.10.20, office uses are also permitted on the first **storey** within Building A, as shown on Diagram 3 of By-law [Clerks to supply by-law ##];
- (D) Regulation 10.10.40.30(1) with respect to **building depth** does not apply;
- (E) Despite regulation 10.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 24,760 square metres and:
  - i. the total **gross floor area** for Building A as shown on Diagram 3 of By-law [Clerks to supply by-law ##] must not exceed 2,550 square metres, of which a maximum of 2,150 square metres may be used for residential uses and a maximum of 400 square metres may be used for non-residential uses; and
  - ii. the total **gross floor area** for Building B as shown on Diagram 3 of By-law [Clerks to supply by-law ##] must not exceed 22,550 square metres;
- (F) Despite regulation 10.10.40.50(1) **amenity space** must be provided on the **lot** as follows:

- i. a minimum of 373 square metres of indoor **amenity space**; and
  - ii. a minimum of 2.0 square metres of outdoor **amenity space** per **dwelling unit** for all **dwelling units** on the **lot**;
- (G) The permitted maximum number of **dwelling units** in Building A identified on Diagram 3 of By-law [Clerks to supply by-law ##] is 15; and the provision of **dwelling units** will comprise the following:
- i. a minimum of 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;
- (H) Despite regulations 10.5.40.70(1) and 10.10.40.80(1), and clause 10.10.40.70 the required minimum **building setbacks** and distance between **main walls** of the same **apartment building** are shown in metres on Diagram 3 of By-law [Clerks to supply by-law ##];
- (I) Despite clause 10.5.40.60, and (H) above, the following may encroach into the required minimum **building setbacks** on Diagram 3 of By-law [Clerks to supply by-law ##] for Building A as follows:
- i. canopies and awnings up to a maximum of 2.7 metres;
  - ii. cornices, architectural elements, pilasters and eaves, bay windows, window sills and light fixtures up to a maximum of 1.0 metre;
  - iii. stairs, stair enclosures, doors, wheelchair ramps, screens, site servicing features and underground garage ramps and associated **structures** up to a maximum of 1.5 metres; and
  - iv. balconies up to a maximum of 1.8 metres;
- (J) Despite regulation 10.5.40.10(1) for Building A on Diagram 3 of By-law [Clerks to supply by-law ##], the height of a **building** or **structure** is the vertical distance between the Canadian Geodetic Datum elevation of 112.20 metres and the highest point of the **building** or **structure**;
- (K) Despite regulations 10.10.40.10(1) and 10.5.40.10(3) for Building A on Diagram 3 the permitted maximum height for a **building** or **structure**, including the mechanical penthouse containing equipment and **structures** used for the functional operation of the **building**, must not exceed the height as specified in metres by the numbers following the symbol “HT” on Diagram 3 of By-law [Clerks to supply by-law ##];

- (L) Despite regulation 10.10.40.10(8) for Building A on Diagram 3 of By-law [Clerks to supply by-law ##], the following **structures** on the roof of the **building** may exceed the permitted maximum height for that **building** by 2.0 metres:
- i. Antennae, flagpoles, satellite dishes, and weather vanes;
- (M) Despite clause 10.5.40.10, and (K) above for Building A, the following elements of a **building** may project above the maximum height in Diagram 3 of By-law [Clerks to supply by-law ##]:
- i. parapets, chimneys, solar panels, architectural features, and elements and structures associated with a **green roof** may project above the height limits to a maximum of 2.0 metres;
- (N) Despite regulation 10.10.40.10(3), the permitted maximum number of **storeys** in Building A on Diagram 3 of By-law [Clerks to supply by-law ##] is 4, excluding the mechanical penthouse;
- (O) Regulation 10.5.40.10(4)(A), regarding the functional operation area of a **building** does not apply;
- (P) Despite regulation 200.5.1.10(2)(B) and (D), a **parking space** existing on [Clerks to supply date of by-law enactment] on the **lot** may have the following minimum dimensions:
- i. length of 5.6 metres;
  - ii. width of 2.6 metres; and
  - iii. vertical clearance of 2.0 metres;
- (Q) Despite Table 200.5.10.1, **parking spaces** must be provided and maintained on the **lot** in accordance with the following:
- 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; and
  - iii. a minimum of 7 **parking spaces** for office uses in Building A;
- (R) Despite regulation 200.15.1(1), an **accessible parking space** may:
- i. have a vertical clearance of 2.0 metres;

- (S) Despite regulation 200.15.1.5, an **accessible parking space** may:
- i. not be located closest to a main pedestrian access to a **building**;
- (T) Despite clause 220.5.10, one Type "G" **loading space** must be provided and maintained on the **lot**;
- (U) Despite regulation 230.5.1.10 (4), the required minimum width of a **bicycle parking space** is 0.4 metres;
- (V) On Parcel A as shown on Diagram 1 of By-law [Clerks to supply by-law ##], 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** in compliance with regulations (B) to (U) above.
- (W) On Parcel A as shown on Diagram 1 of By-law [Clerks to supply by-law ##], 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** in compliance with regulations (B) to (U) above.
- (X) None of the provisions in (A) to (W) above will prevent the **buildings, structures** and uses existing as of January 1, 2020 on Parcel B as shown on Diagram 1 of By-law [Clerks to supply by-law ##], are permitted on Parcel B.

Prevailing By-laws and Prevailing Sections:

- (A) Former City of Toronto By-laws 188-68 and 310-69.
5. The provisions of this by-law will continue to apply despite any future severance, partition, dedication or division of the lands outlined by heavy black lines on Diagram 1 attached to this By-law.
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 on Diagram 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 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.

(c) The owner shall not use, or permit the use of, a building or structure erected with an increase in height or density pursuant to this By-law unless all provisions of Schedule A are satisfied.



Enacted and passed this    day of            , 2020.

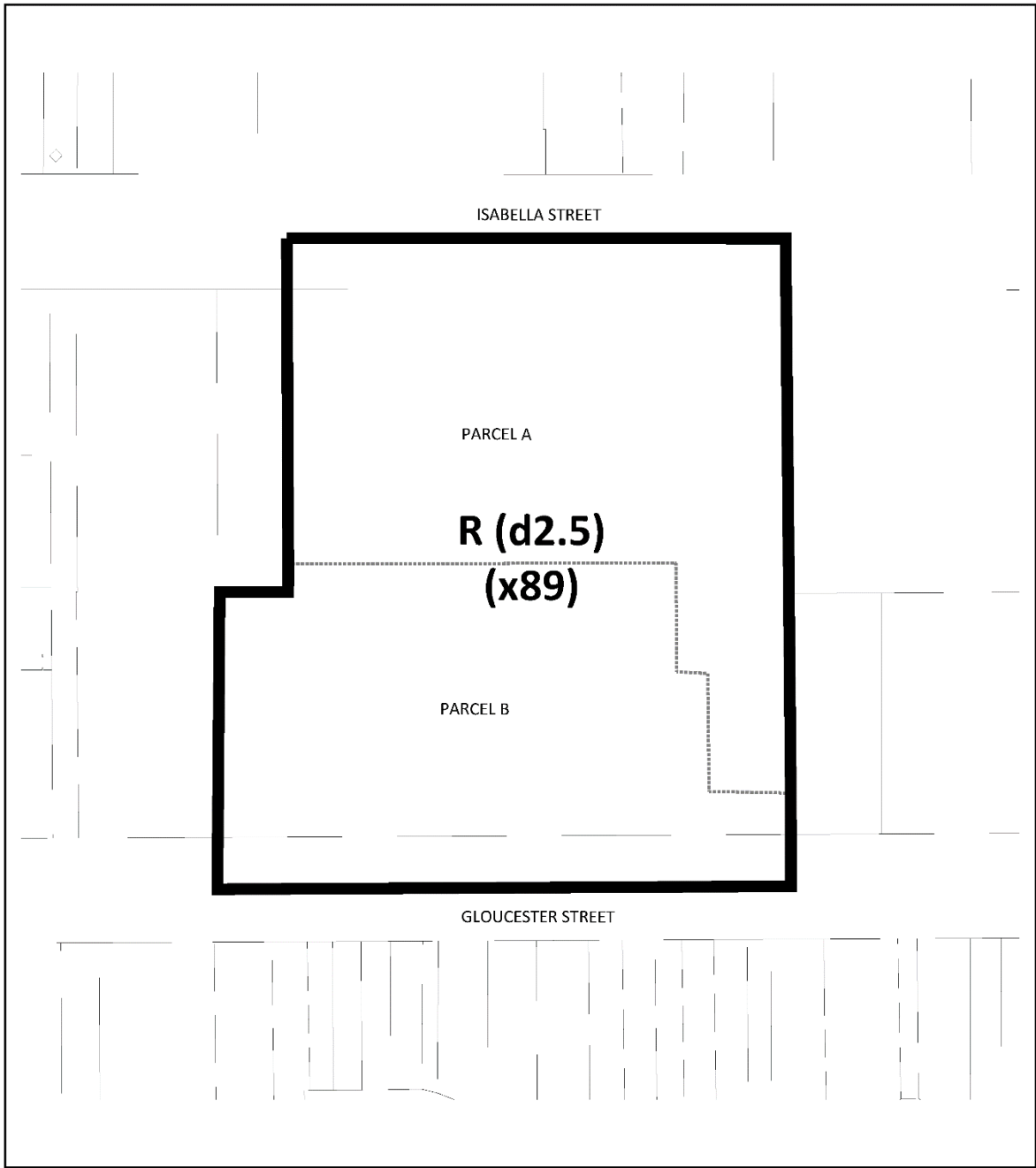
Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Corporate Seal)





-  Location of application
-  Areas affected by this By-Law



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Diagram 2

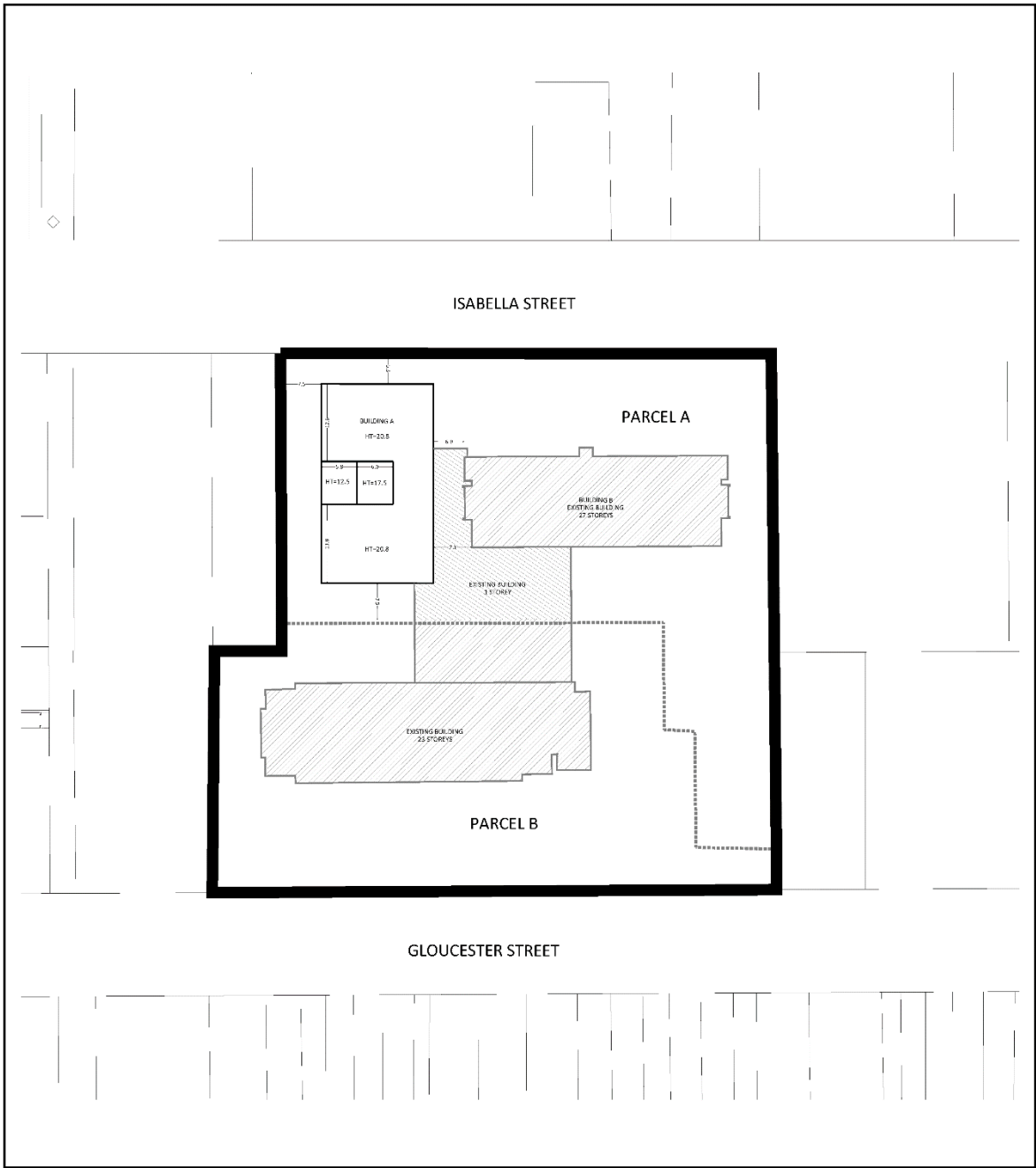
**33 Isabella Street**

File # 18 195494 STE 27 OZ

-  Location of application
-  Areas affected by this By-Law

  
 Former City of Toronto By-law 569-2013  
 Not to Scale  
 07/13/2020

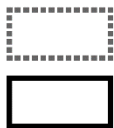




 **TORONTO**  
**Diagram 3**

**33 Isabella Street**

File # 18 195494 STE 27 0Z



Location of application

Areas affected by this By-Law

  
 Former City of Toronto By-law 569-2013  
 Not to Scale  
 07/13/2020

## **SCHEDULE A**

### **Section 37 Provisions**

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

1. 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. 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.