

Attachment 10: Draft Zoning By-law Amendment to 438-86

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

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~
BY-LAW No. ~-2020

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2020 as 65 Trinity Street, 373 Front Street East, 90 Mill Street and 424-428 Cherry Street

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 provisions relating to the authorization of increases in height and/or 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 or density of development beyond those otherwise permitted by the by-law for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

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;

The Council of the City of Toronto enacts:

1. None of the provisions of Section 2(1) with respect to the definitions of *grade*, *height*, *lot*, *parking space*, and Sections 4(2)(a), 4(5)(b), (c), and (h), 7(3) Part II(1)(i) and (3), 7(3), 12(2)246, and 12(2)260 of Zoning By-law 438-86, 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”, shall apply to prevent the erection and use of a *mixed-use building*, containing dwelling units and non-residential uses on the *lot*, provided that:

a) The *lot* on which the buildings are to be located comprises at least those lands within the heavy lines on Map 1, attached to and forming part of By-law;

b) The total *residential gross floor area* and *non-residential gross floor area* of any *building* or structure erected on the *lot* is 81,300 square metres, provided:

i. The permitted maximum *residential gross floor area* is 77,800 square metres;

ii. The permitted minimum *non-residential gross floor area* is 3,500 square metres; and

iii. A *community centre* is provided on the *ground floor* of a *building* on the *lot* with a minimum interior floor area of 465 square metres;

c) A minimum of 30 percent of the *dwelling units* must contain two or more bedrooms and a minimum of 10 percent of the total number of *dwelling units* must contain three or more bedrooms;

d) A pedestrian walkway with a minimum area of 1,480 square metres and a minimum width of 18.5 metres is to be provided for public pedestrian access in the area shown on Map 6 of this By-law;

e) No portion of any building or structure on the *lot* shall have a *height* greater than the height in metres specified by the number following the “HT” symbol and the number of storeys specified by the number following the symbol “ST” symbol as shown on Maps 3, 4 and 5 attached to this By-law except for:

i. Parapets, terrace or balcony guardrails, balustrades, railings and dividers, access hatches, roof assemblies, roof drainage, pavers and elements of a *green roof* which may project by a maximum of 2.1 metres; and

ii. Wind screens, pergolas, trellises and signage, planters, eaves, privacy screens, stair enclosures, skylights, architectural elements and screens, landscape elements, window washing equipment, chimneys, vents, lightning rods, light fixtures, located on the roof used for outside or open air recreation which may project by a maximum of 4.5 metres;

f) For the purposes of this by-law, a mezzanine level located above the first floor and below the second floor of a building, and a room containing mechanical equipment that is located on the roof shall not be considered a storey;

g) The following structures are permitted to encroach beyond the heavy lines other than a lot line and above the heights as shown on Maps 3, 4 and 5 subject to the limitations below:

i. Cornices, eaves, light fixtures, parapets, art and landscaping features, trellises, window sills, mullions, ventilation shafts, mechanical equipment,

mechanical enclosures and screens, architectural screens, architectural and ornamental elements, balustrades, railings, fences and privacy screens, which may project by a maximum of 0.5 metres;

ii. Wheelchair ramps, site servicing features, window washing equipment and underground garage ramp and associated structures may encroach any building setback; and

iii. Awning and canopies which may project by a maximum of 3.0 metres;

h) *Residential amenity space* shall be provided and maintained above *grade* on the lot in accordance with the following:

i. A minimum of 2.0 square metres of indoor *residential amenity space* shall be provided for each *dwelling unit* in a multipurpose room or rooms at least one of which contains a washroom and a kitchen;

ii. A minimum of 2.0 square metres of outdoor *residential amenity space* shall be provided for each *dwelling unit*;

iii. For the purposes of this by-law, *residential amenity space* that is provided within any of the Areas shown on Map 2 is communal and will be made available for mutual use by all residents of buildings on the lands shown on Map 1 of this By-law; and

iv. At least 40 square metres of the required outdoor *residential amenity space* shall be provided in a location adjoining or directly accessible from the indoor *residential amenity space*;

i) *Parking spaces* shall be provided and maintained on the *lot* in accordance with the following:

i. A minimum of 0.18 *parking spaces* per dwelling unit shall be provided for use by residents of the building;

ii. A minimum of 50 *parking spaces* are required for residential visitors and commercial uses, which may be provided in a *parking garage*; and

iii. A maximum of 10% of the required *parking spaces* may be *small parking spaces*;

j) *Bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following:

i. A minimum of 0.9 *bicycle parking spaces* per *dwelling unit*;

ii. A minimum of 0.1 *bicycle parking spaces* per *dwelling unit* for visitors;

iii. A minimum of 40 *bicycle parking spaces* shall be provided for *non-residential uses*; and

iv. *Bicycle parking spaces* may be shared between Areas A, B and C as shown on Map 2 of this By-law;

k) Loading spaces for each area as shown on Map 2 must be provided and maintained as follows:

i. Area A: one *loading space – type "B"* and one *loading space – type "C"*;

ii. Area B: one *loading space – type "G"* and one *loading space – type "C"*; and

iii. Area C: one *loading space – type "G"*;

2. None of the provisions of By-law 438-86, as amended, shall apply to prevent a *temporary leasing office on the lot*, and a *temporary leasing office* shall be exempt from the requirements of By-law 438-86, as amended.

3. For the purposes of this By-law, all italicized words and expression have the same meanings as defined in By-law 438-86, as amended, with the exception of the following:

a) "*Bicycle parking space*" shall mean an area or secure room that is equipped with a bicycle rack, locker or bicycle stacker for the purposes of parking and securing bicycles, and:

i. Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.46 metres by 1.8 metres and a vertical dimension of at least 1.22 metres; and

ii. Where bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;

b) "*Bicycle stacker*" means a device where a *bicycle parking space* is positioned above or below another *bicycle parking space* and can be accessed by means of an elevating device;

c) "*Community centre*" means premises operated by or on behalf of a government or non-profit organization providing community activities, such as arts, crafts, recreational, social, charitable and educational activities;

d) "*Grade*" means Canadian Geodetic Datum elevation of 79.5 metres for Area A, 79.5 metres for Area B, and 77.5 metres for Area C as shown on Maps 2, 3, 4 and 5 of this By-law;

e) "*Height*" means the vertical distance between *grade* and the highest point of the building roof shown on Maps 3, 4 and 5 to By-law;

f) "*Non-residential gross floor area*" shall mean the sum of the total area of each floor level of the non-residential portion of a mixed-use building, above and below the ground, measured from the exterior of the main wall of each floor level, reduced by the area in 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. *Community centre* uses;
- ix. Mechanical penthouse; and
- x. Exit stairwells in the building.

g) "*Residential gross floor area*" shall mean the sum of the total area of each floor level of the residential portion of a mixed-use building, above and below the ground, measured from the exterior of the main wall of each floor level, reduced by the area in 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.

h) “*Temporary leasing office*” means a building, structure, facility or trailer on the *lot* used for the purpose of the leasing of *dwelling units* to be erected on the *lot*, and

i) “*Small parking space*” shall be a parking space with a minimum width of 2.6 metres and a minimum length of 5.6 metres notwithstanding the provisions of regulations in subsection 4(17) of Zoning By-law No. 494-2007 to amend the General Zoning By-law No. 438-86;

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

5. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

a) All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

6. Pursuant to section 37 of the Planning Act and subject to compliance with this By-law, the increase in *height* of development on the *lot* contemplated herein beyond the otherwise permitted in By-law 438-86 is permitted in return for the provision by the *owner*, at the *owners'* expense of certain facilities, services and matters set out in Schedule A subject to and in accordance with an agreement pursuant to subsection 37(3) of the Planning Act that is in a form and registered on title to the *lot*, to the satisfaction of the City Solicitor.

7. 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 same.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor

JOHN D. ELVIDGE
Clerk

(Corporate Seal)

SCHEDULE A

SECTION 37 Provisions

The facilities, services and matters set out below are required to be provided by the owner of the lot at their expense to the City in accordance with one or more agreements pursuant to Section 37(3) of the Planning Act, 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:

1. The owner shall provide community benefits having a value of \$524,000 to be allocated to the following:
 - a. Prior to issuance of the first above-grade building permit, the owner and development partner shall make a cash contribution of \$300,000 towards parkland improvements in the West Don Lands Precinct Plan area, at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor; and
 - b. Prior to the issuance of the first above-grade building permit, the owner and development partner shall either make a cash contribution of \$224,000, either as a cash contribution, payable by a certified cheque to the Treasurer, City of Toronto, to be allocated toward local streetscape improvements in the West Don Lands Precinct area, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, or, at the election of the Chief Planner and Executive Director, City Planning and on terms set out in the Section 37 Agreement, the owner and development partner shall secure all or part of the total contribution by letter of credit satisfactory to the City Treasurer for the provision of local streetscape improvements to be undertaken, to the satisfaction of the Chief Planner and Executive Director, City Planning;
2. The payment amounts identified in Section 1 above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of the Section 37 agreement to the date of payment;
3. In the event the contribution referred to in Section 1 above has not been used for the intended purpose within three years of the Zoning By-law Amendments coming into full force and effect, the contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands; and
4. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - a. The owner and development partner shall:

- i. Prior to issuance of the first above-grade building permit, or such later date on terms acceptable to the Chief Engineer and Executive Director, Engineering and Construction Services and provided in the Section 37 Agreement, and at its own cost, design and construct a new public street having a minimum width of 18.5 metres to expand and extend the existing public lane and connect Trinity Street and Cherry Street on the south boundary of 373 Front Street in the location illustrated in the Zoning By-law Amendment on terms set out in the Section 37 Agreement, including but not limited to provisions for construction management, installation of required services, environmental obligations and maintenance guarantee periods all to the satisfaction of the Chief Engineer and Executive Director Engineering and Construction Services and the Chief Planner and Executive Director, City Planning;
 - ii. Prior to issuance of the first above-grade building permit, financially secure the design and construction of the new public street to the satisfaction of the Chief Engineer and Executive Director, Engineer and Construction Services; and
 - iii. Prior to issuance of the first above-grade building permit, prepare all documents and convey, at nominal cost and free and clear of physical and title encumbrances, such lands as are required for widening to facilitate the new public street referred to in A. above to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and the City Solicitor;
- b. Prior to the first use or occupancy of the building, the owner and development partner shall on terms set out in the Section 37 Agreement;
- i. Construct and maintain privately owned publicly accessible open space (POPS) consisting of a pedestrian walkway of a minimum 1,480 square metres, and two courtyards in the location generally identified in the Zoning By-law Amendment with specific configuration and design of the POPS to be determined in the context of site plan approval all to the satisfaction of the City Solicitor, and the Chief Planner and Executive Director, City Planning; and
 - ii. The owner and development partner shall prepare all documents and convey, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, free and clear of encumbrances and for nominal consideration, a public access easement, including support rights, in perpetuity in favour of the City over the POPS;
- c. The owner and development partner will provide a minimum 30 percent of the total residential unit mix and a minimum 30 percent of the total residential gross leasable area as affordable housing units, as defined in the Contribution Agreement;

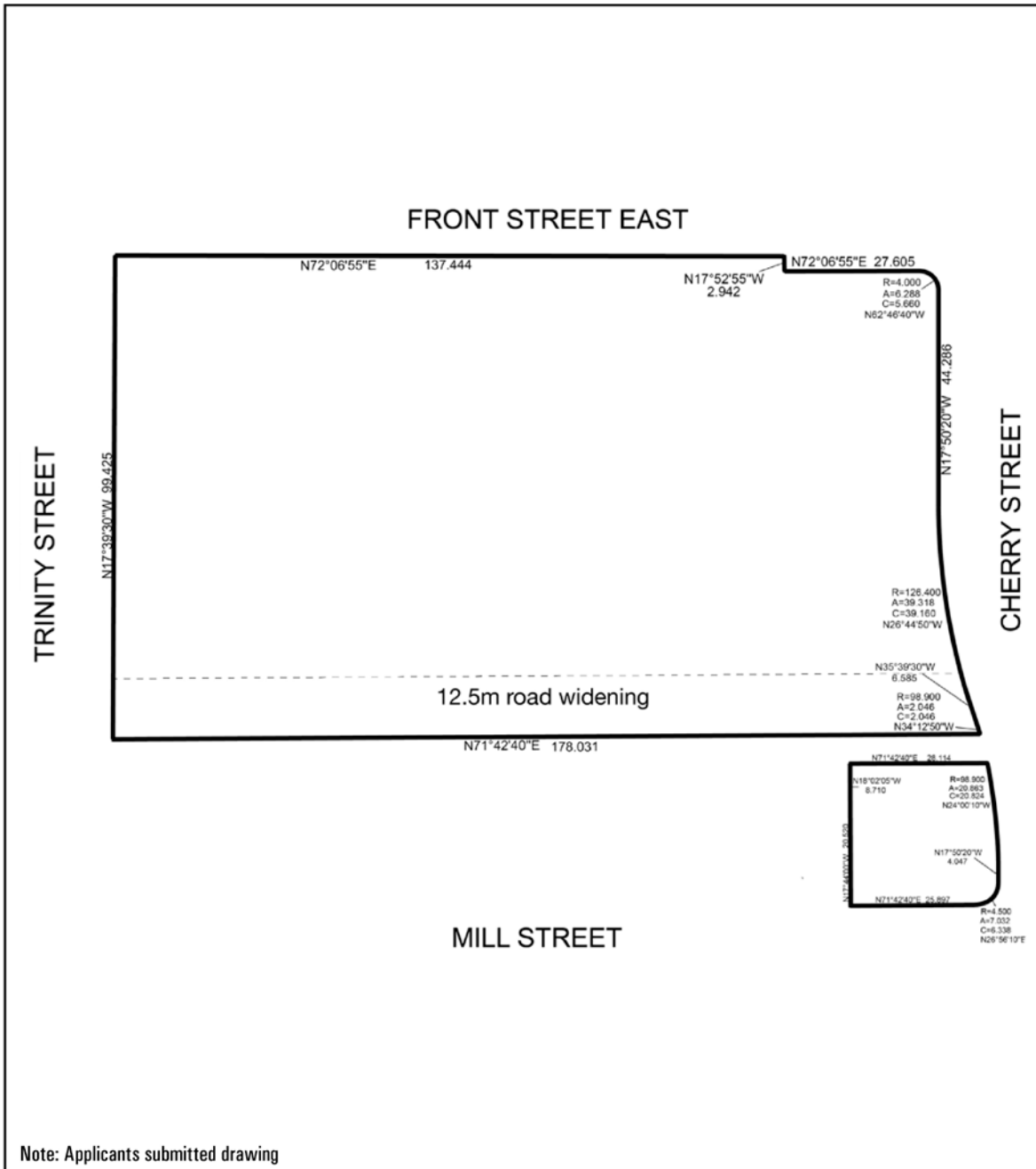
d. The owner and development partner shall design, construct, finish, and convey to the City, in an acceptable environmental condition, for nominal consideration and at no cost to the City, a minimum 465 square metres of Community Agency Space as measured from interior walls, located on the first floor and inclusive of the ground floor entrance, and subject to the following:

i. The Community Agency Space shall be delivered to the City in accordance with the City's Community Space Tenancy Policy and finished to Base Building Condition, with the terms and specifications to be secured in the Section 37 Agreement, all satisfactory to the Executive Director, Social Development, Finance and Administration, Executive Director, Corporate Real Estate Management, the Chief Planner and Executive Director, City Planning, and the City Solicitor;

ii. Prior to the issuance of the first above grade building permit, the owner shall provide a letter of credit in the amount sufficient to guarantee 120 percent of the estimated cost of the design, construction and handover of the Community Agency Space complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the Executive Director, Corporate Real Estate Management, the Executive Director, Social Development, Finance and Administration, the Chief Planner and Executive Director, City Planning, and the City Solicitor; and

iii. Concurrent with or prior to, the conveyance of the Community Agency Space to the City, the owner and the development partner, and the City shall enter into, and register on title to, the appropriate lands an Easement and Cost Sharing Agreement at no cost and for nominal value to the City in a Base Building Condition, designed and conveyed in accordance with the terms as more particularly detailed in the sublease agreement, that is in a form satisfactory to the City Solicitor; the Easement and Cost Sharing Agreement shall address and/or provide for the integrated support, use, operation, maintenance, repair, replacement, and reconstruction of certain shared facilities, and the sharing of costs, in respect thereof, of portions of the subject lands to be owned by the City and the owner as they pertain to the Community Agency Space; and

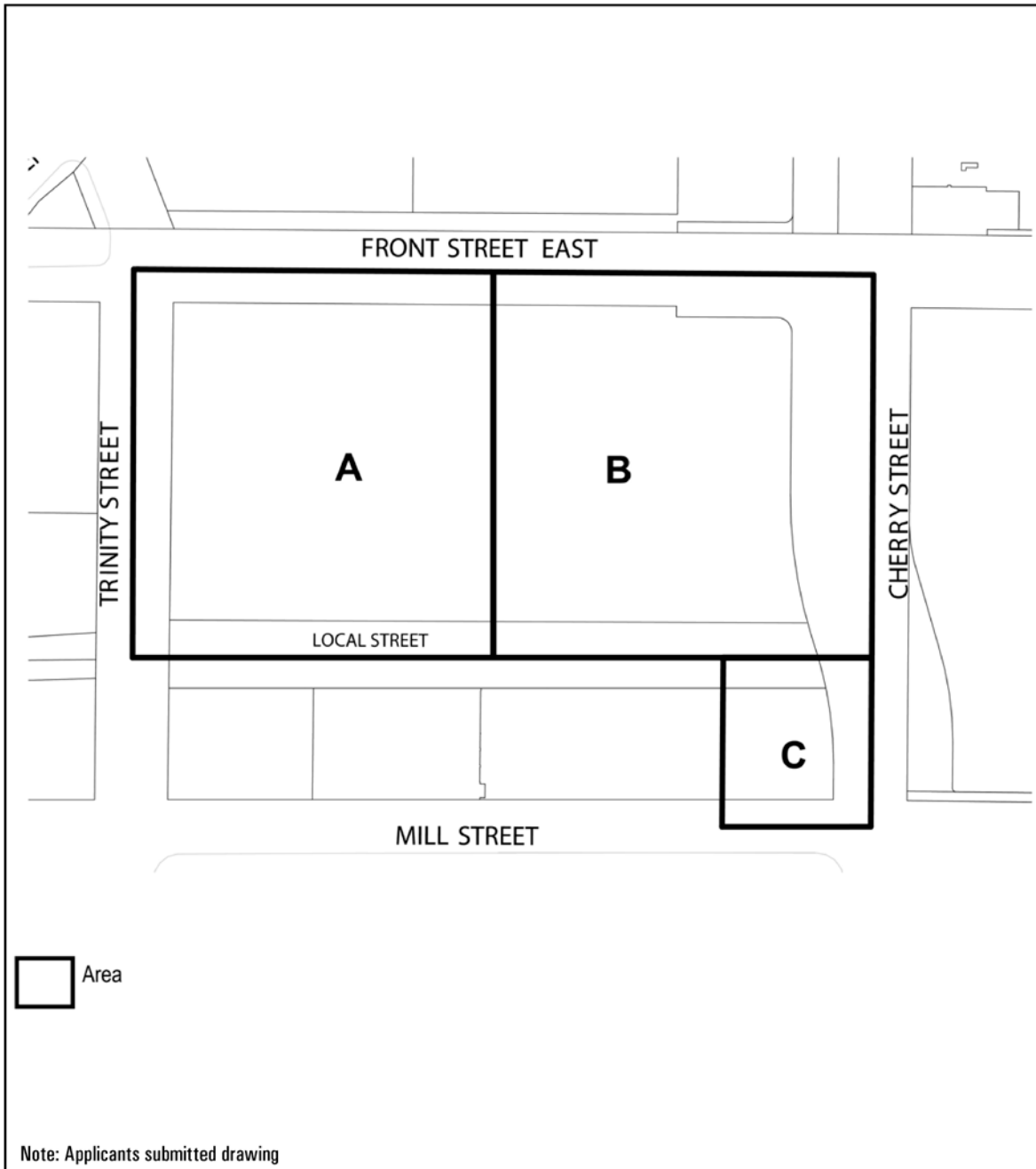
e. The owner and development partner will construct and maintain the development of the site in accordance with Tier 1 of the Toronto Green Standard, and the owner will be encouraged to achieve Tier 2 of the Toronto Green Standard, where appropriate.

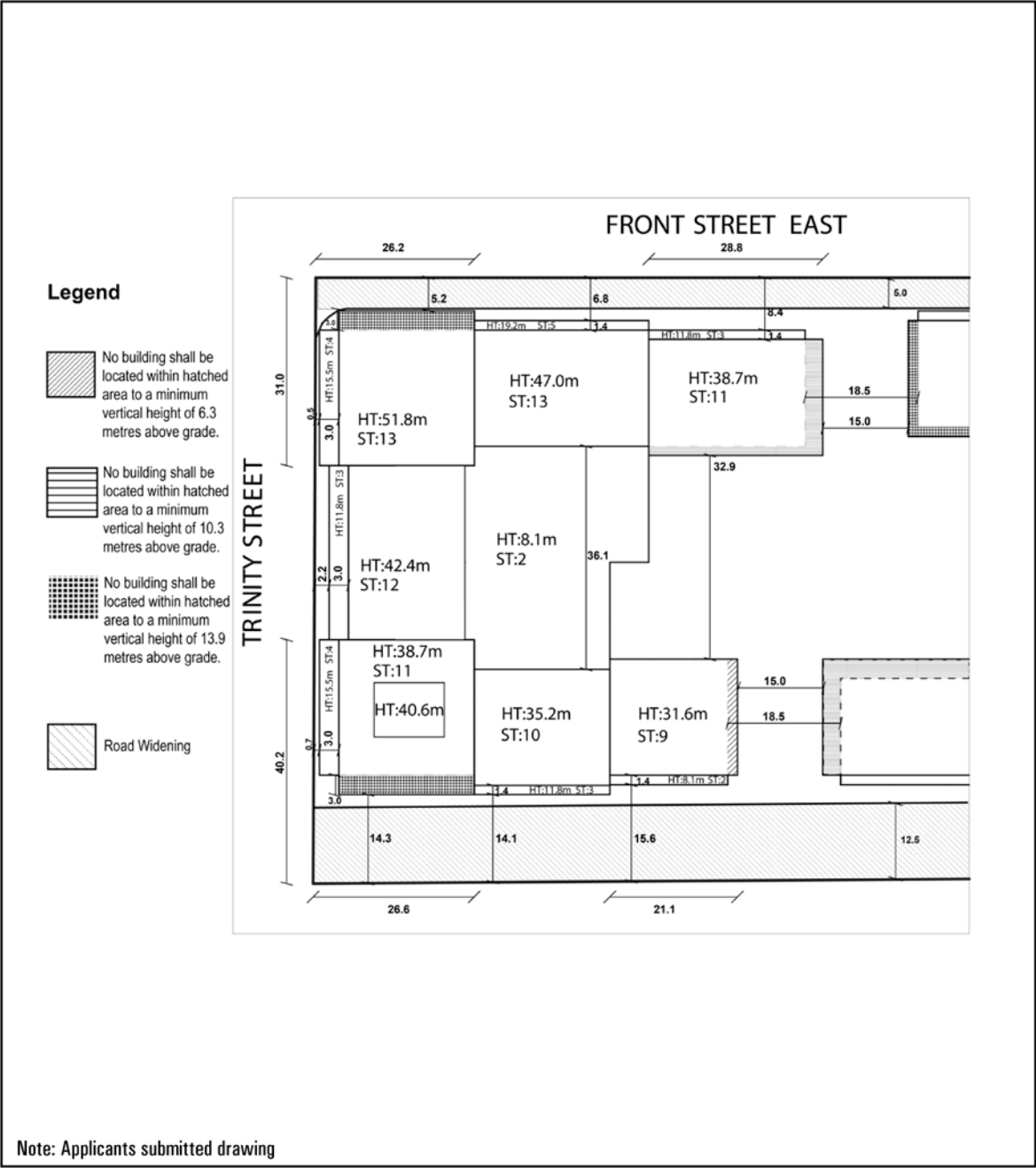


65 Trinity Street, 373 Front Street East,
90 Mill Street and 424-428 Cherry Street

File # 19 228307 STE 13 0Z


 Former City of Toronto By-law 438-86
 Not to Scale
 10/13/2020





Note: Applicants submitted drawing







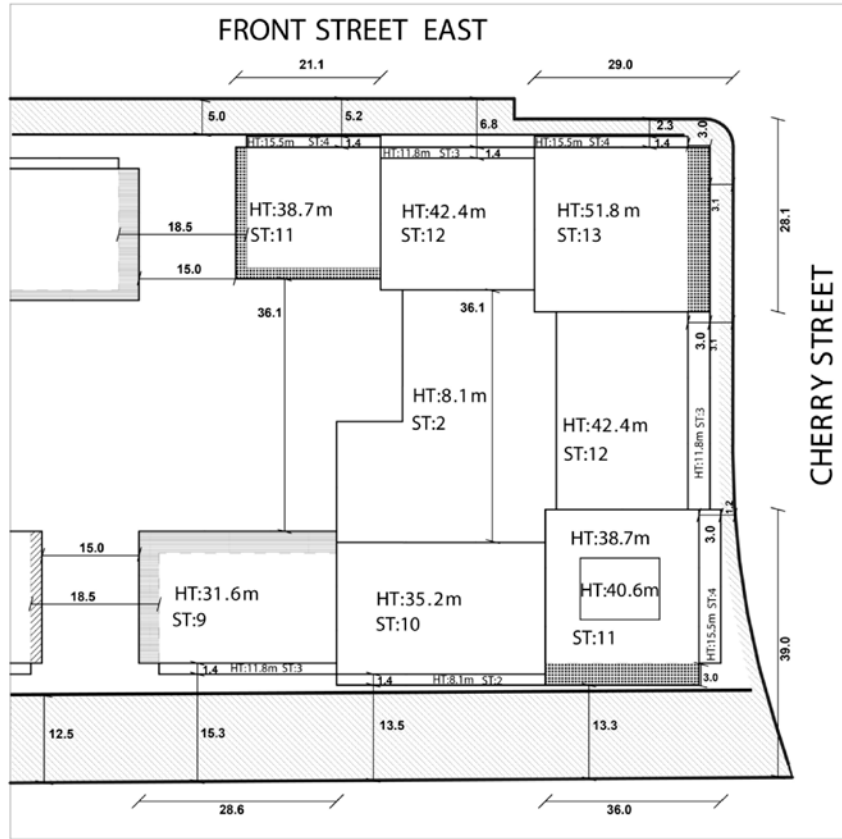
65 Trinity Street, 373 Front Street East,
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Legend

-  No building shall be located within hatched area to a minimum vertical height of 6.3 metres above grade.
-  No building shall be located within hatched area to a minimum vertical height of 10.3 metres above grade.
-  No building shall be located within hatched area to a minimum vertical height of 13.9 metres above grade.
-  Road Widening



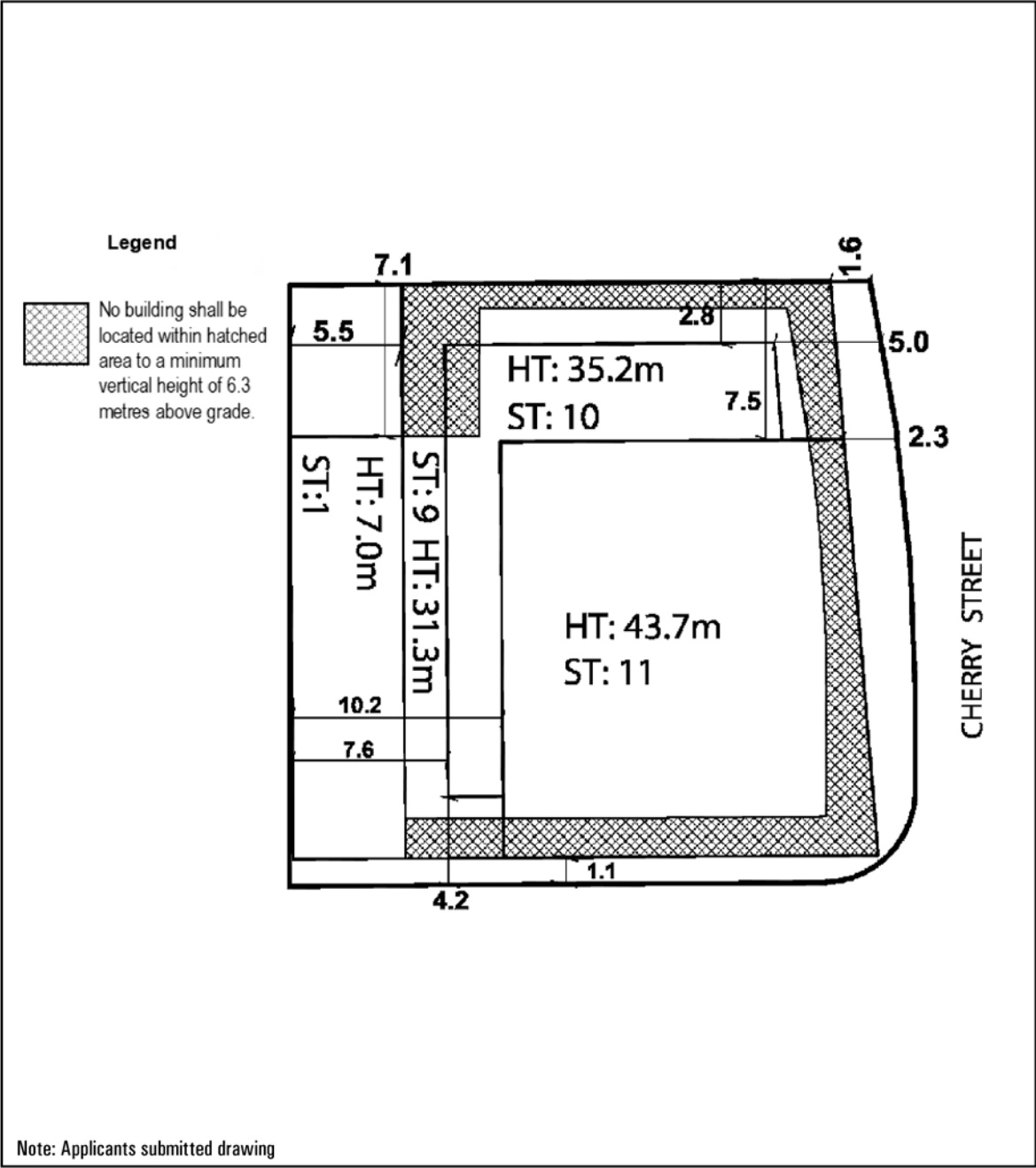
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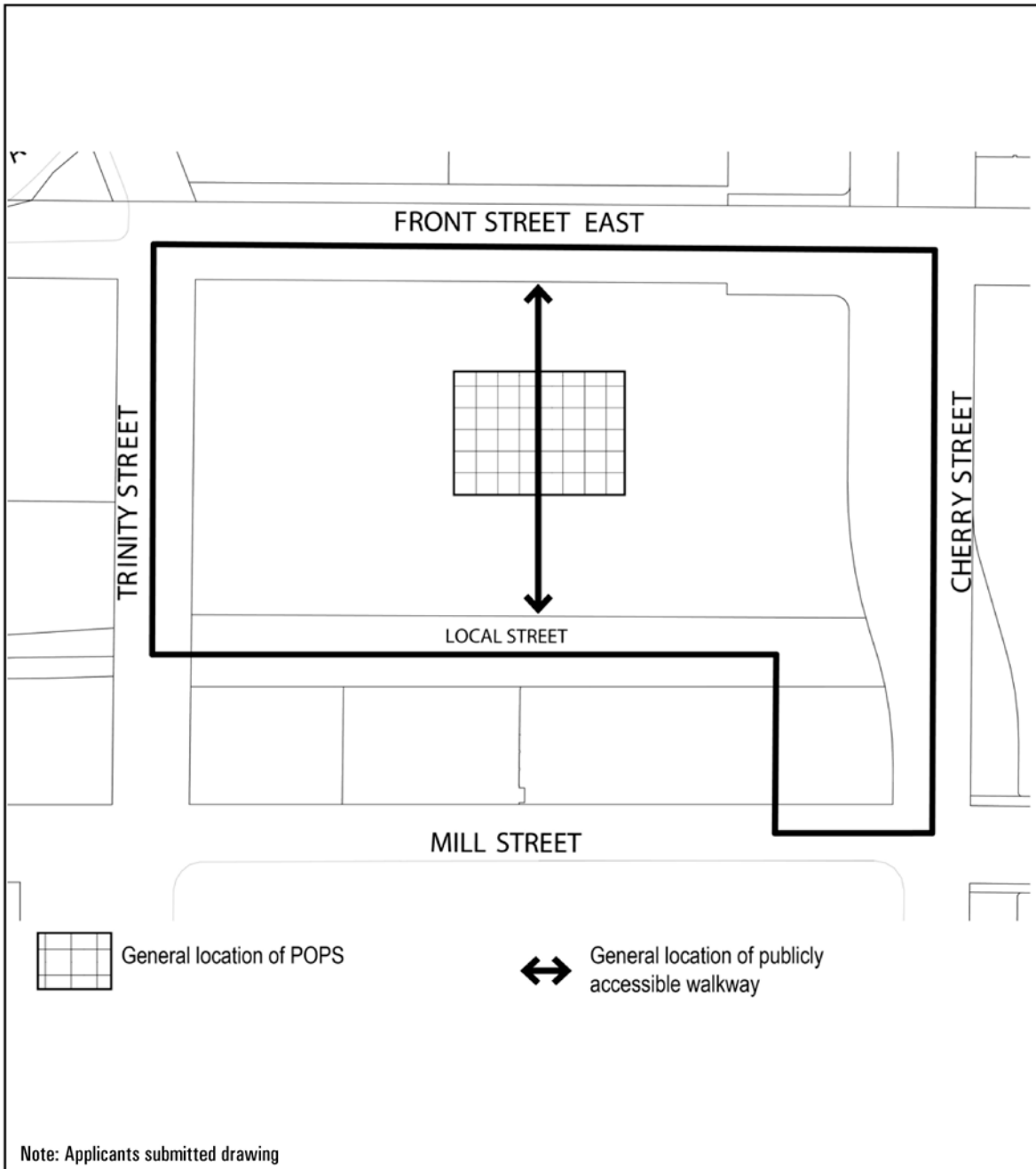


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TORONTO
Map 6

65 Trinity Street, 373 Front Street East,
90 Mill Street and 424-428 Cherry Street

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