

## Attachment 11: Draft Zoning By-law Amendment to 569-2013

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

CITY OF TORONTO

**Bill No. ~**

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

**To amend Zoning By-law 569-2013, 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 of the City of Toronto under Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law;

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 authority is given to Council by Section 34 and Section 36 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied;

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of Holding (H) symbol with conditions in the zoning by-law;

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and/or 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 land elects to provide facilities, services and matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with 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 permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are 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 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10 and applying the following zone label to these lands: (H) CRE (x33) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: "PA1", as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1 and applying the following height label to these lands: HT 26.0 as shown on Diagram 4 attached to this By-law.
6. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1, as shown on Diagram 5 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Section 995.40.1 and applying the following Rooming House label of "B3" to these lands as shown on Diagram 6 attached to this By-law.
8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.12.10 Exception Number x33 so that it reads:

### **Exception CRE (x33)**

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 65 Trinity Street, 373 Front Street East, 90 Mill Street, and 424 and 428 Cherry Street, if the requirements in Section 11 and Schedule A of By-law [Clerks to supply by-law ##] are complied with, a **building** or **structure** may be constructed in compliance with regulations (B) to (R) below;

(B) In addition to the uses permitted by Clause 50.10.20.10), **public parking** is a permitted use if it is located below-ground;

(C) Despite regulation 50.10.40.50(1), **amenity space** must be provided as follows:

- i. A minimum of 2.0 square metres per **dwelling unit** of indoor **amenity space**;
- ii. A minimum of 2.0 square metres per **dwelling unit** of outdoor **amenity space**, of which a minimum of 40 square metres must be in a location adjoining or directly accessible to the indoor **amenity space**; and
- iii. For the purposes of this exception, residential **amenity space** that is provided within any of the Areas shown on Diagram 7 of By-law [Clerks to supply by-law ##], is communal and will be made available to all residents of **buildings** on the lands shown on Diagram 1 of By-law [Clerks to supply by-law ##];

(D) The permitted maximum **gross floor area** for all uses on the lands is 81,300 square metres, allocated as follows:

- i. The permitted maximum **gross floor area** for residential uses is 77,800 square metres; and
- ii. The permitted minimum **gross floor area** for non-residential uses is 3,500 square metres; and
- iv. A minimum interior floor area of 465 square metres must be provided for a **community centre** on the **ground floor** of a **building** on the lands;

(E) Despite regulation 50.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 79.5 metres for Area A, 79.5 metres for Area B, and 77.5 metres for Area C as shown on Diagrams 8, 9 and 10 of By-law [Clerks to supply by-law ##] and the elevation of the highest point of the **building** or **structure**;

(F) Despite regulations 50.10.40.10(1) and 50.10.40.10(4), the permitted maximum height of any **building** or **structure** on the lands is the numerical value, in metres, following the symbol "HT" and the number of **storeys** following the symbol "ST" on Diagrams 8, 9 and 10 attached to By-law [Clerks to supply by-law ##];

(G) For the purposes of this exception, the definition of **storey** as contained in Chapter 800.50 does not apply to a mezzanine level located above the first floor and below the second floor of a **building**, or a room containing mechanical equipment that is located on the roof;

(H) Despite Clause 50.5.40.10 and Regulation (G) above, the following elements and **structures** of a **building** may exceed the maximum permitted height indicated by the numbers following the symbol HT on Diagrams 8, 9 and 10 of By-law [Clerks to supply by-law ##]:

- i. Parapets, terrace or balcony guardrails, balustrades, railings and dividers, access hatches, roof assemblies, roof drainage, pavers and elements of a **green roof** 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, and structures located on the roof used for outside or open air recreation by no more than 4.5 metres;

(I) Despite Clauses 50.5.40.70, 50.10.40.70, and 50.10.40.80, the required minimum **building setbacks** and minimum distance between **main walls** are shown in metres on Diagrams 8, 9 and 10 of By-law [Clerks to supply by-law ##];

(J) Despite regulation 50.5.40.60(1), Clause 50.10.40.60 and Regulation (I) above, the following elements of a **building** may encroach into the required **building setback** or separation distance:

- 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 encroach 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 into any **building setback**; and
- iii. Awnings and canopies which may encroach to a maximum of 3.0 metres;

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

(L) 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 Diagram 11 of By-law [Clerks to supply by-law ##];

(M) Despite clause 200.10.1 and regulations 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided as follows:

- i. A minimum of 0.18 **parking spaces** for each **dwelling unit** for residents of **dwelling units**; and

- ii. A minimum of 50 **parking spaces** for residential visitors and non-residential uses, which may be provided as **public parking**;

(N) Despite regulation 200.5.1(2), **parking spaces** do not have to be provided collectively for each use on the lands, provided the total amount of **parking spaces** comply with Regulation (M) above;

(O) Despite regulation 200.5.1.10(2) a maximum of 10 percent of the required **parking spaces** provided must have a minimum width of 2.6 metres and a minimum length of 5.6 metres;

(P) Despite regulation 220.5.10.1, **loading spaces** for each Area as shown on Diagram 7 of By-law [Clerks to supply by-law ##] must be provided and maintained as follows:

- i. Area A: one Type “B” **loading space** and one Type “C” **loading space**;
- ii. Area B: one Type “G” **loading space** and one Type “C” **loading space**;  
and
- iii. Area C: one Type “G” **loading space**;

(Q) Despite regulation 230.5.1.10(4) and (5), a **bicycle parking space**:

- i. May be provided in an area or secure room that is equipped with a bicycle rack or bicycle stacker for the purposes of parking and securing bicycles;
- ii. 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
- iii. 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;

(R) **Bicycle parking spaces** may be provided anywhere within Areas A, B and C and shared between any **buildings** on the lands as shown on Diagram 7 of By-law [Clerks to supply by-law ##];

Prevailing By-laws and Prevailing Sections (none apply)

9. Despite any severance, partition or division of the lands, the provisions of this By-law will apply to the whole of the lands as if no severance, partition or division had occurred.

10. Holding Provisions

(A) Lands zoned with the (H) Holding Symbol shall not be used for any purpose other than as provided for in Regulation (B) herein until the (H) Holding Symbol

has been removed. An amending by-law to remove the (H) Holding Symbol in whole, or in part, shall be enacted by City Council when the following plans and studies have been provided for and secured through an agreement or agreements binding on the **owner** and successors entered into pursuant to Sections 37, 41 or 51 of the Planning Act, or any combination thereof, as appropriate:

- i. A satisfactory Streets and Blocks Plan is prepared demonstrating how the development provides for new streets and blocks in relation to the existing system of streets, such plan to be secured by an appropriate legal agreement between the City and the **owner**;
- ii. An Infrastructure Plan dealing with, among other matters, the provision of roads, sewer and water services, public parks and community services and facilities;
- iii. An Environmental Management Plan dealing with, among other matters, the remediation of soils and groundwater and the provision of flood protection measures;
- iv. A Phasing Plan dealing with the sequencing of new development and the timing of the provision of matters set out in i. through iii. in Regulation (A);

(B) The following uses are permitted within an (H) CRE zone:

- i. Those uses permitted within an "h" district in Section 7(1) in Zoning By-law 438-86, subject to the qualifications in Section 7(2) of Zoning By-law 438-86, except that where such uses are located within a building or structure lawfully erected on the lot on the date of the passing of this Zoning By-law pursuant to Section 7(2)5 of Zoning By-law 438-86, an addition thereto is permitted provided that the addition does not exceed 10% of the non-residential gross floor area of the existing building as it existed at the time of the passing of this By-law; and
- ii. Those uses permitted in subsections (a)(iii), (iv), (v) and (vi) in By-law 2011-0004.

## 11. 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 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 ~, 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;

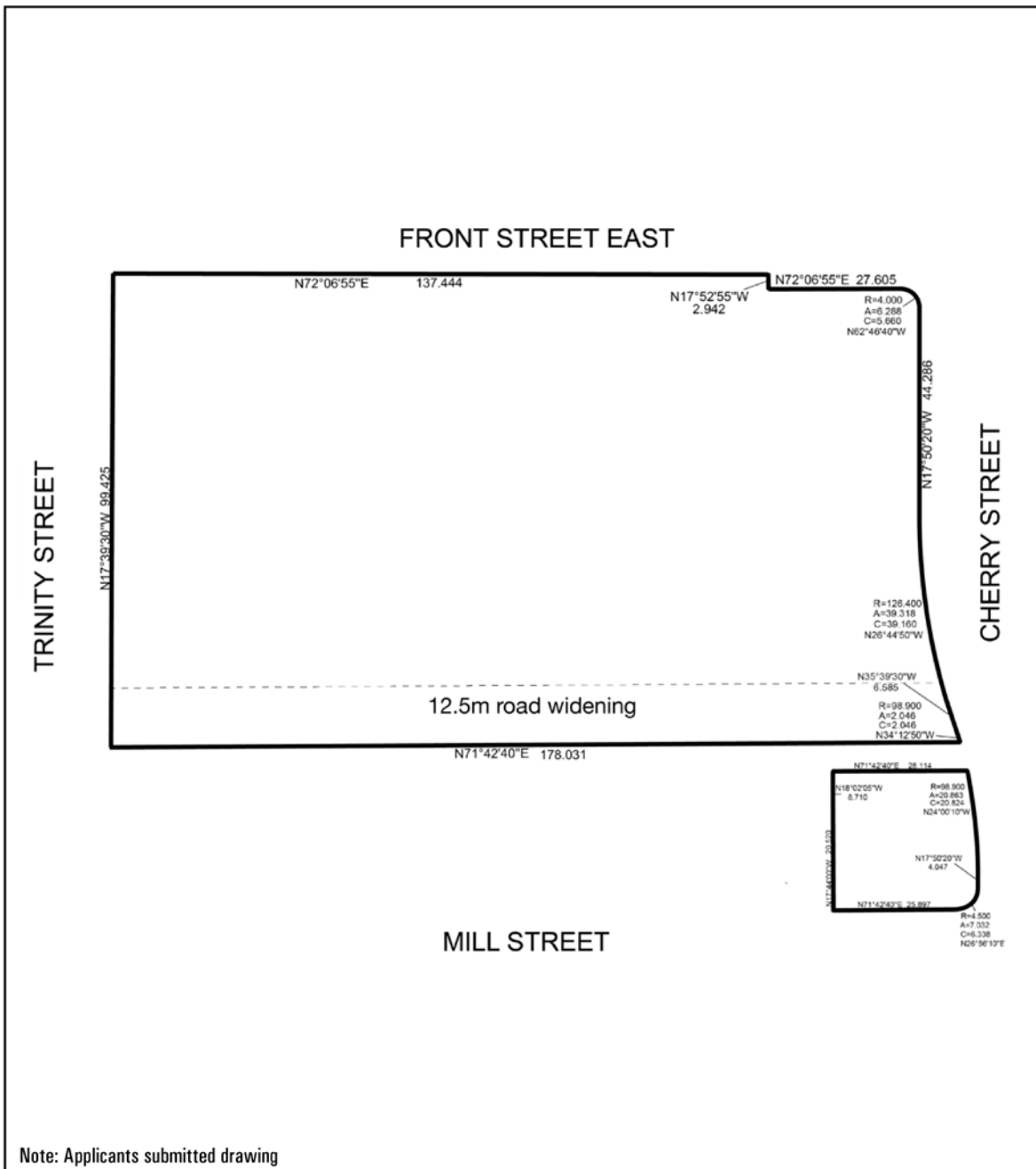
d. The owner and development partner shall design, construct, finish, and convey to the City, in an acceptable environmental condition, for nominal consideration and at no cost to the City, a minimum 465 square metres of Community Agency Space as measured from interior walls, located on the first floor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

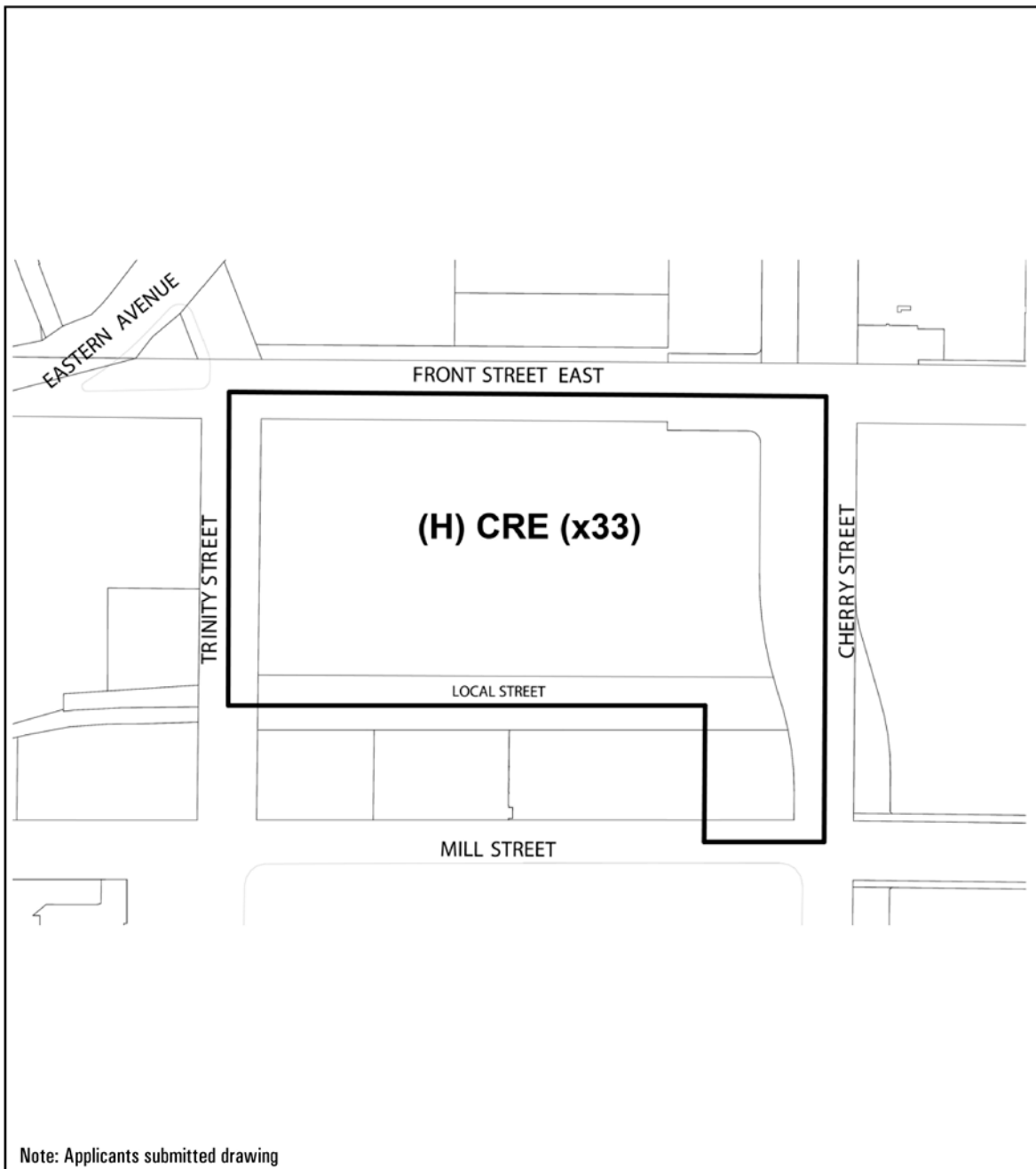


**Toronto**  
Diagram 1

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 569-2013  
Not to Scale  
10/13/2020

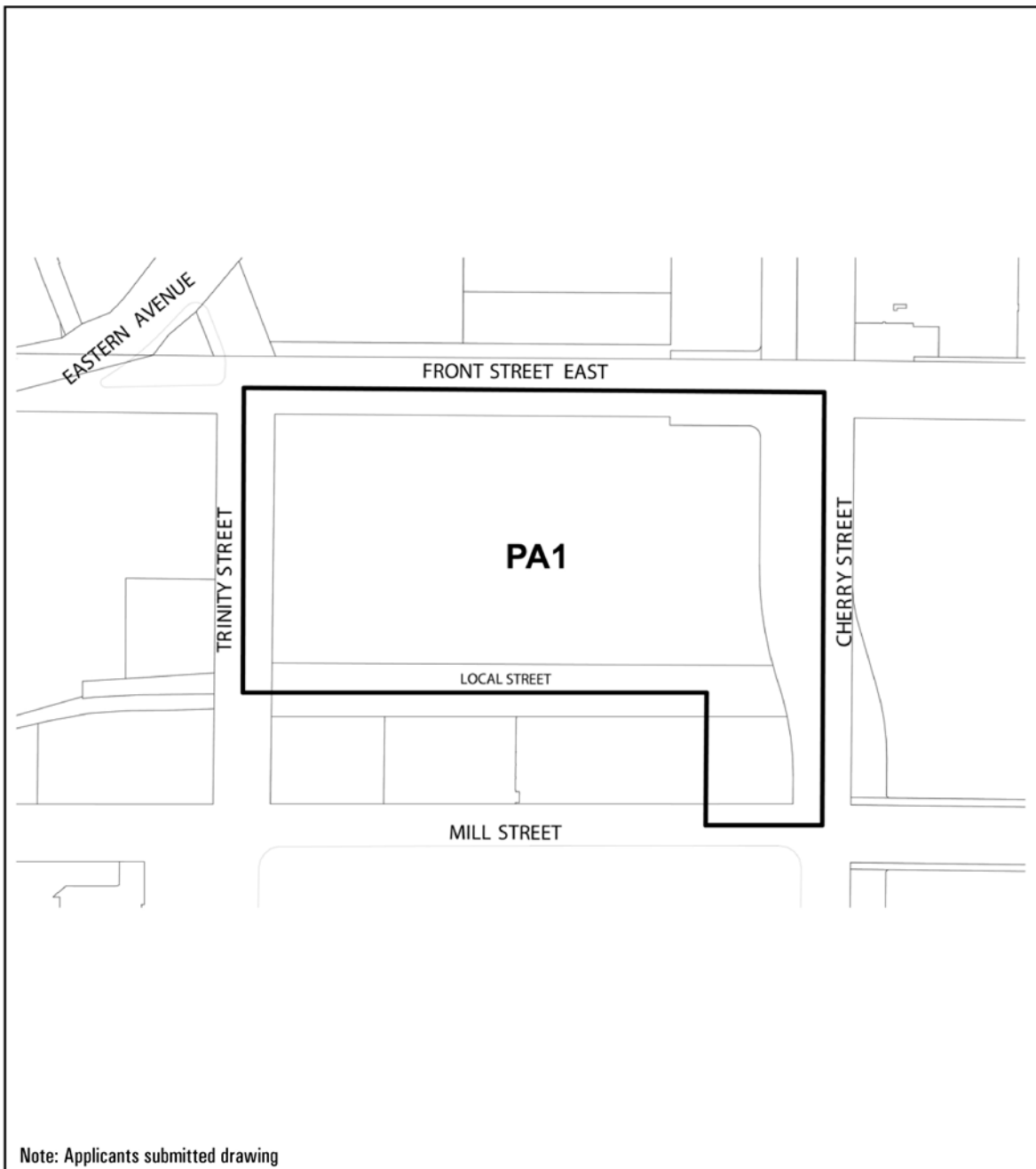


**Toronto**  
Diagram 2

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

File # 19 228307 STE 13 02

  
 Former City of Toronto By-law 569-2013  
 Not to Scale  
 10/13/2020

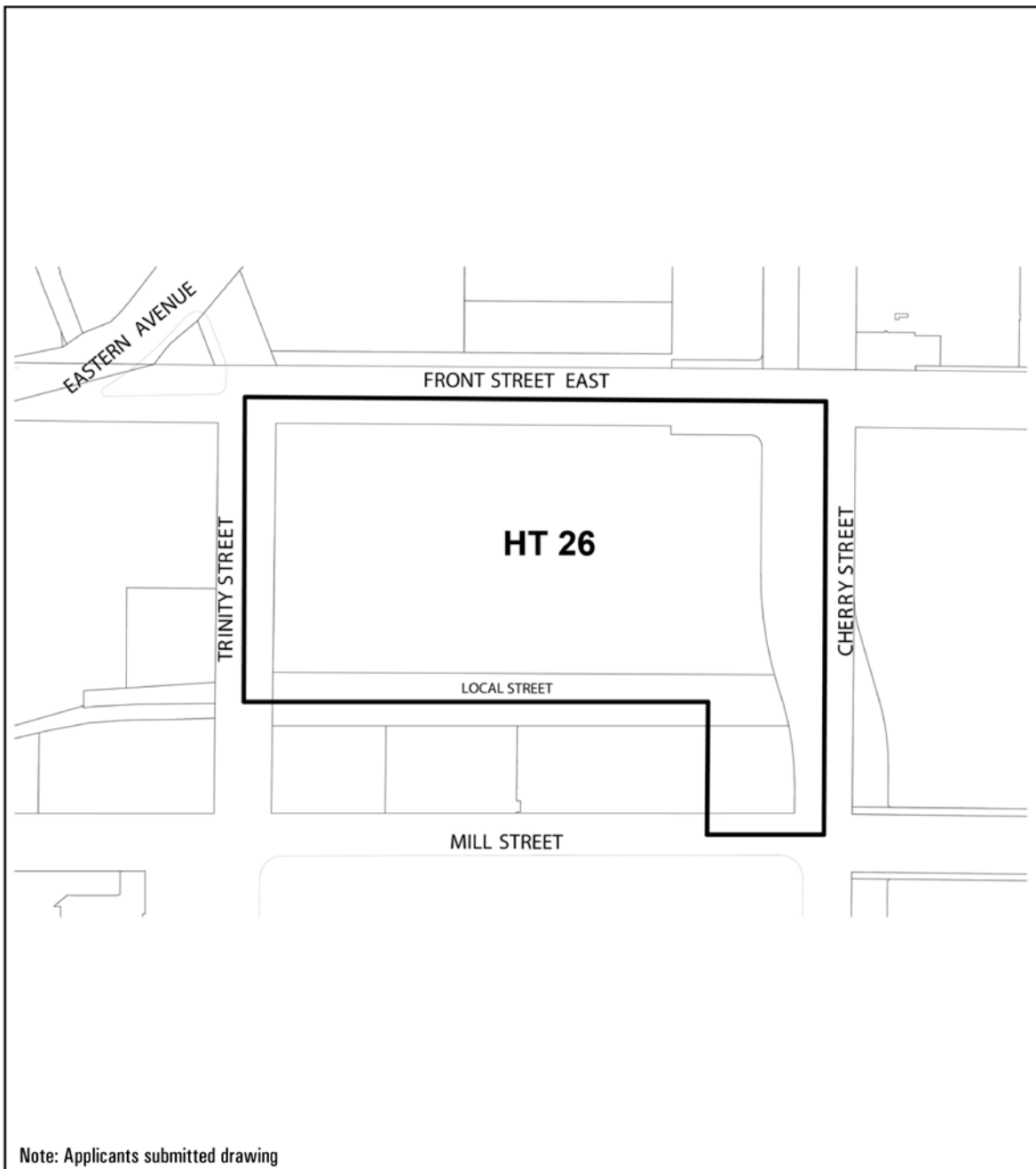


**Toronto**  
Diagram 3

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

File # 19 228307 STE 13 02

  
 Former City of Toronto By-law 569-2013  
 Not to Scale  
 10/13/2020

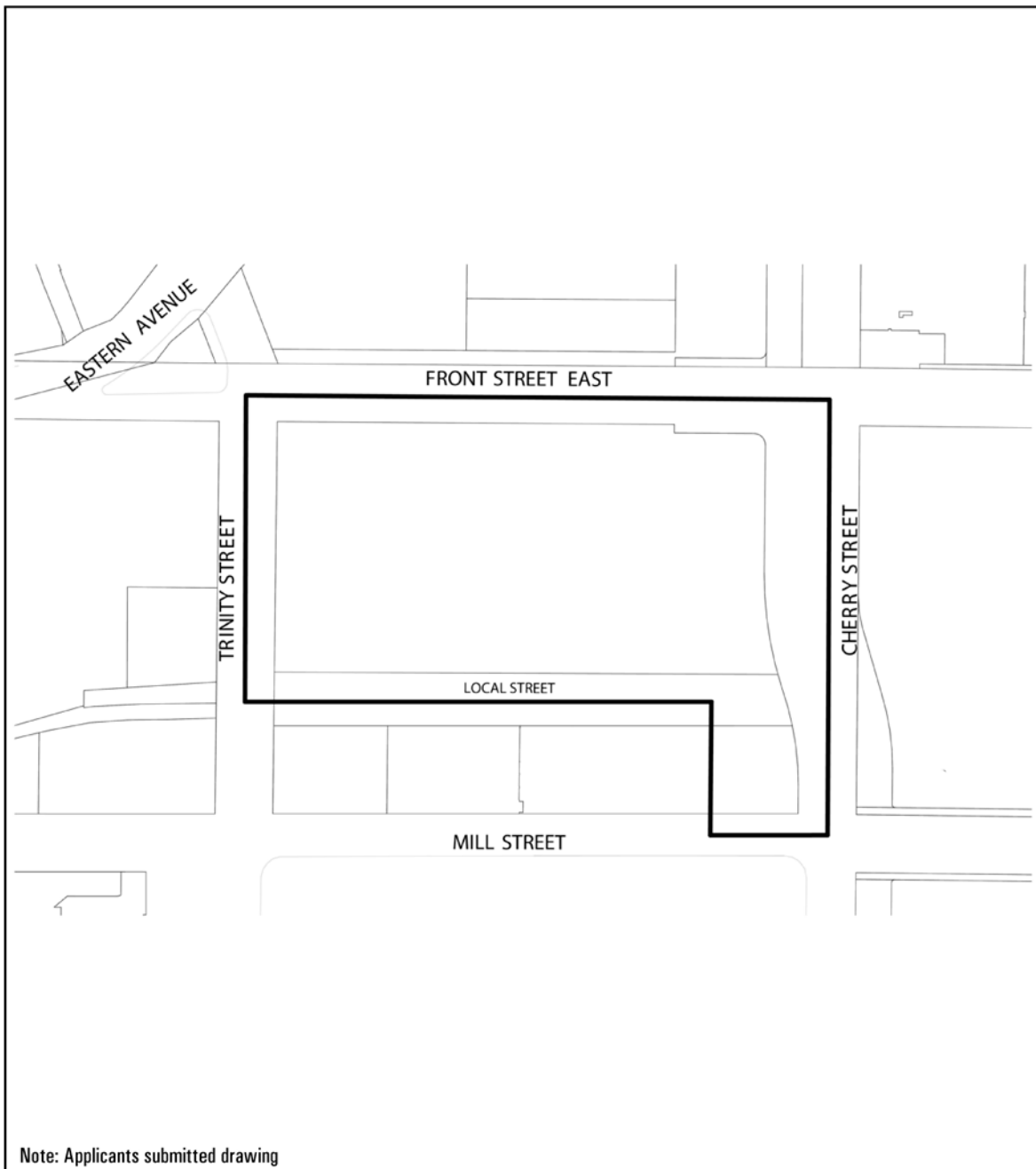


**Toronto**  
Diagram 4

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

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 Former City of Toronto By-law 569-2013  
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 10/13/2020

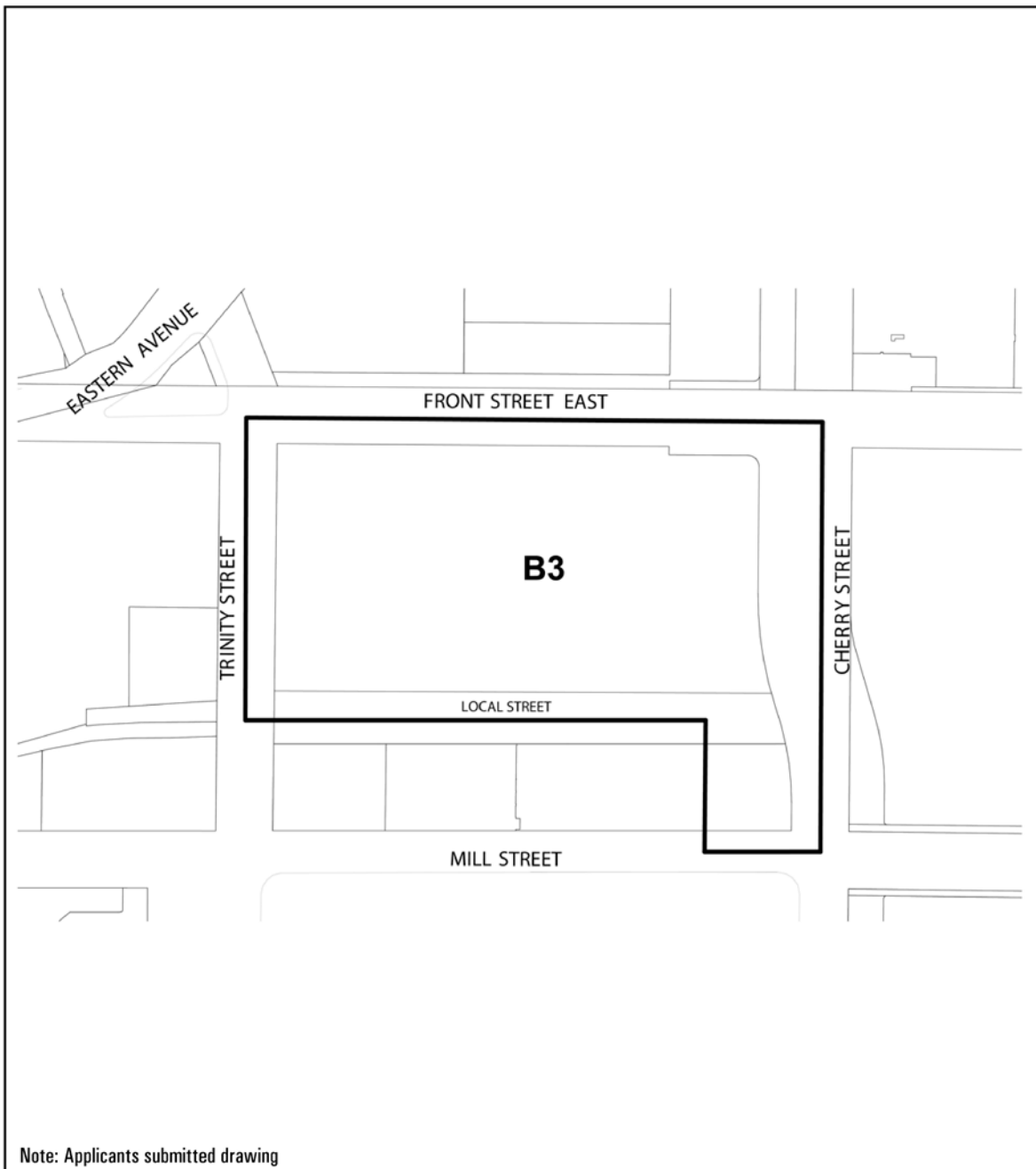


 **Toronto**  
Diagram 5

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

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10/13/2020



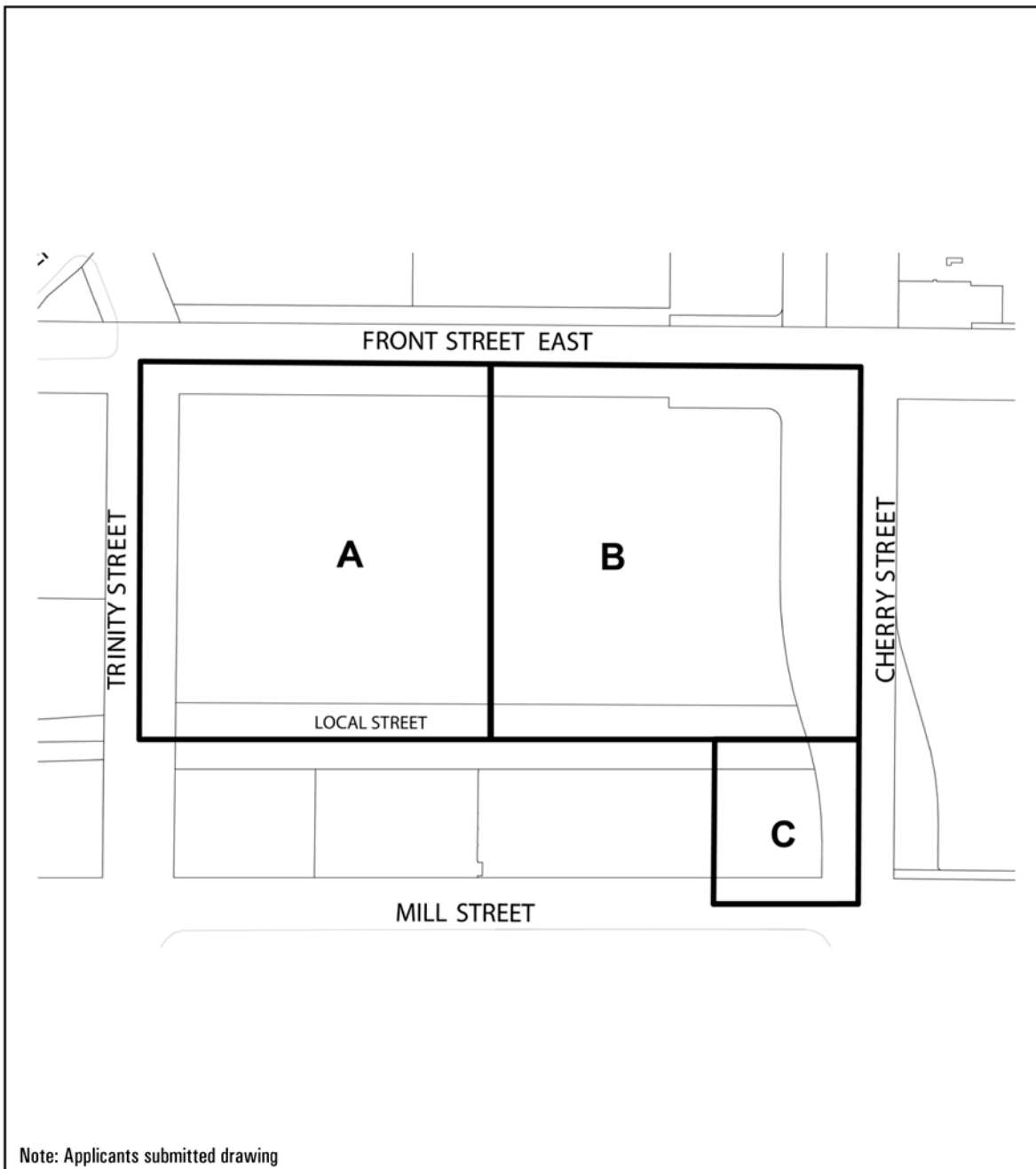
**Toronto**  
Diagram 6

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

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 Former City of Toronto By-law 569-2013  
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 10/13/2020





 **Toronto**  
Diagram 7

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

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Former City of Toronto By-law 569-2013  
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10/13/2020

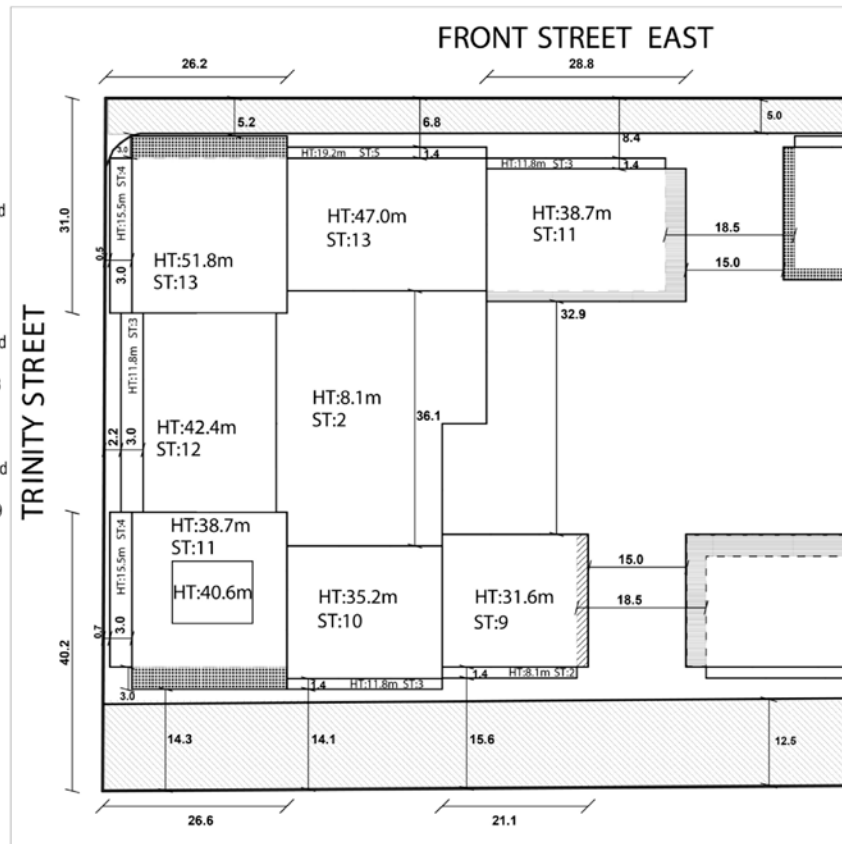
# Legend

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



Note: Applicants submitted drawing





**Toronto**  
Diagram 8

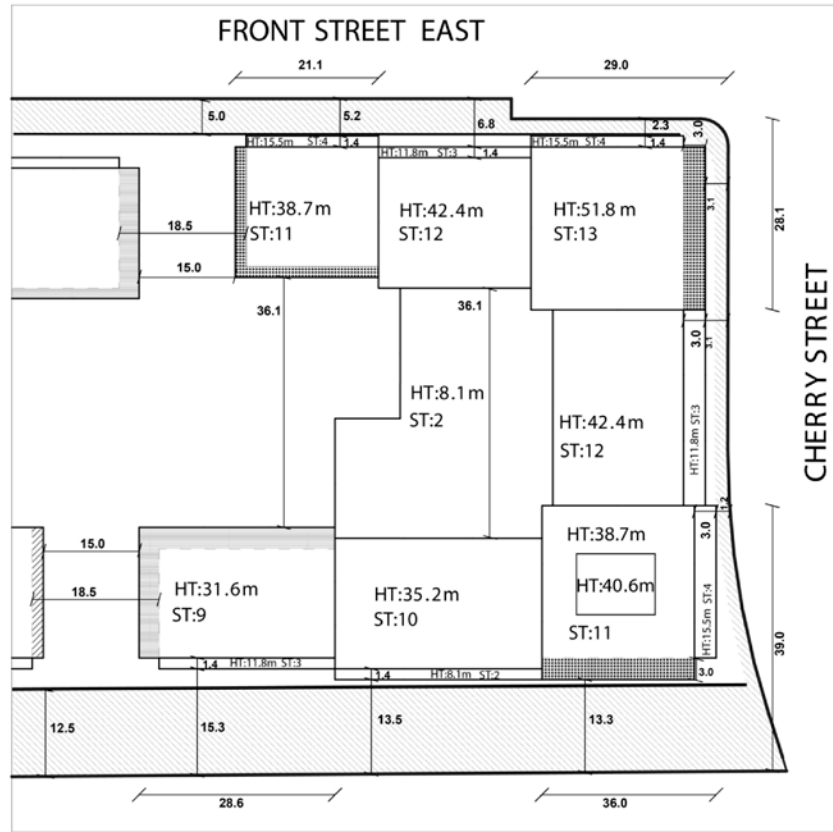
65 Trinity Street, 373 Front Street East,  
90 Mill Street and 424-428 Cherry Street

File # 19 228307 STE 13 0Z

Former City of Toronto By-law 569-2013  
Not to Scale  
10/13/2020

# 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



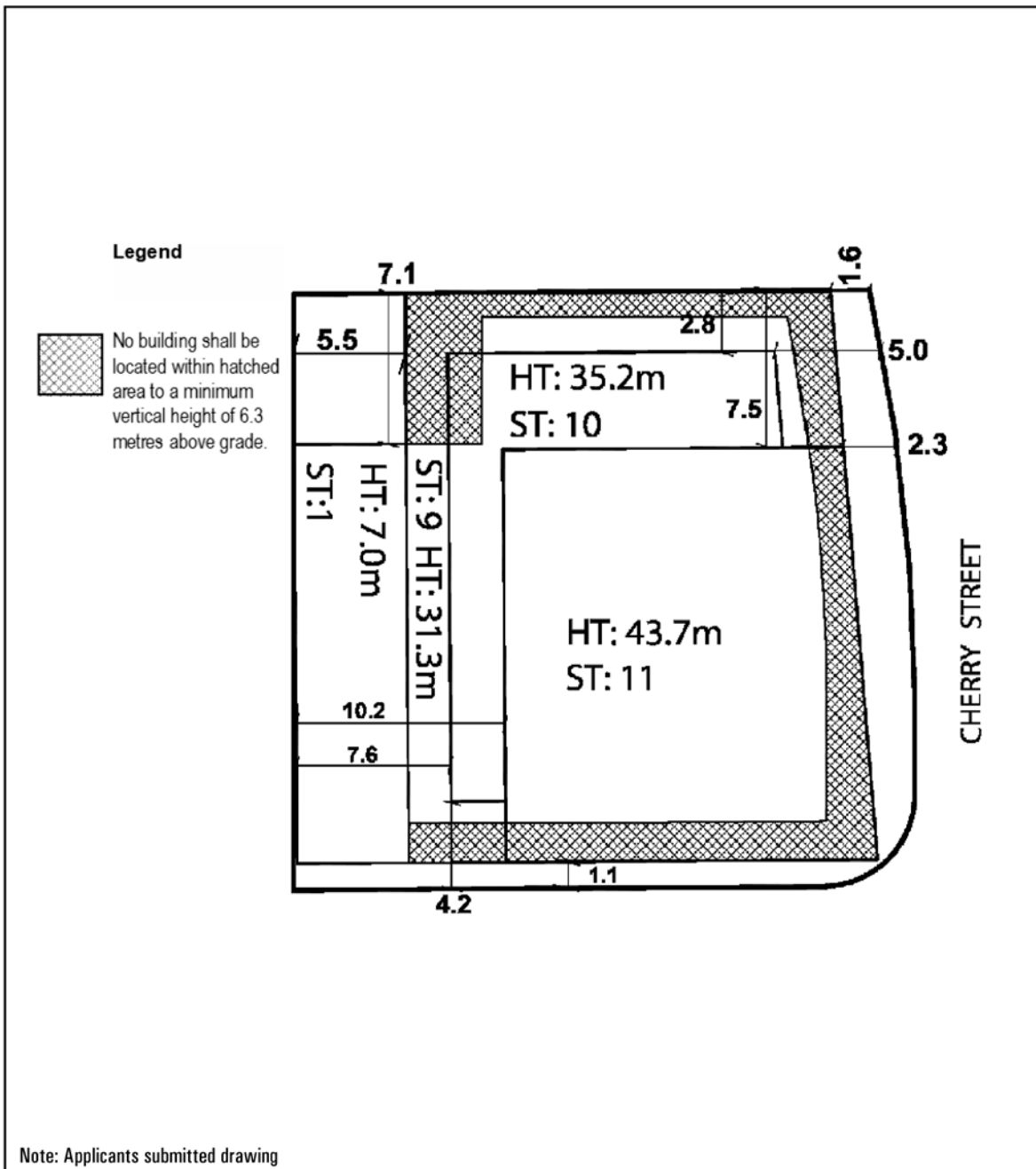
Note: Applicants submitted drawing

 **Toronto**  
Diagram 9

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

File # 19 228307 STE 13 02

  
Former City of Toronto By-law 569-2013  
Not to Scale  
10/13/2020

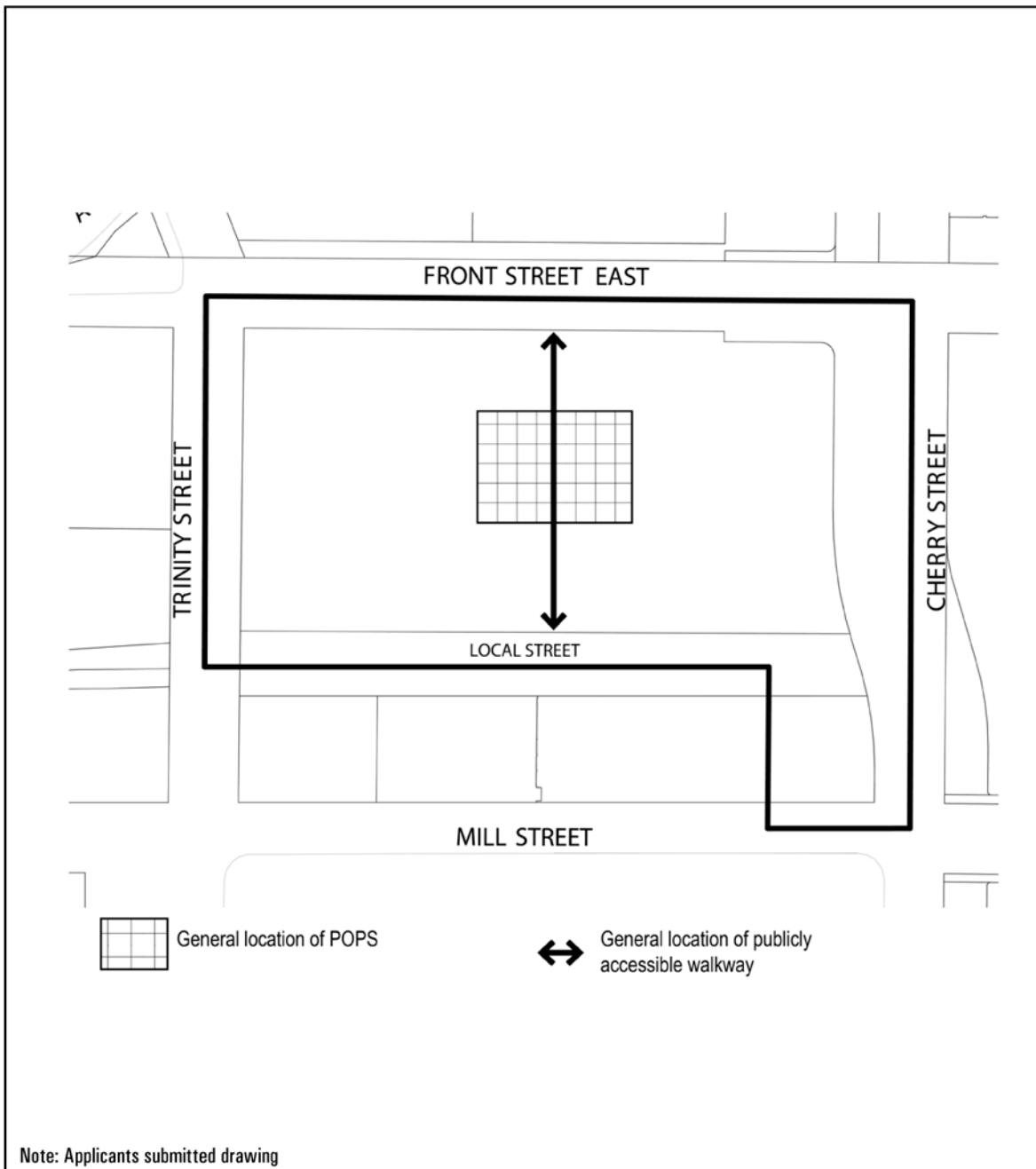


 **Toronto**  
Diagram 10

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

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Former City of Toronto By-law 569-2013  
Not to Scale  
10/13/2020



**Toronto**  
Diagram 11

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

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Former City of Toronto By-law 569-2013  
Not to Scale  
10/13/2020