

Attachment 6: 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 938, 940, 942, 944 and 950 King Street West and 95, 97, and 99 Strachan Avenue.

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 39 of the *Planning Act*, the Council of a Municipality may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the by-law;

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 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 municipally known in the year 2021 938, 940, 942, 944 and 950 King Street West and 95, 97 and 99 Strachan Avenue, as outlined by heavy black lines to CR (308), 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 (x308) so that it reads:

Exception CR (308)

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 938, 940, 942, 944 and 950 King Street West and 95, 97 and 99 Strachan Avenue, if the requirements in Sections (B) to (R), Section 6 and Schedule A of By-law [Clerks to supply ##] are complied with, a **mixed-use building** may be constructed;
- (B) Despite Regulations 40.10.20.100(45), 150.5.20.1(1), (4), and (6), 150.5.20.1(2), 150.5.40.40(1) and Section 800.50(345), a **home occupation** within a **dwelling unit**:
 - i. may have employees in the **dwelling unit** who are not the business operator; and
 - ii. does not have to be the principal residence of the business operator for the **dwelling unit**;
- (C) Despite Regulation 40.10.40.1(1):
 - i. all residential use portions of the **building** must be located above non-residential use portions of a **building**, other than:
 1. residential lobby access; and
 2. **dwelling units** located in the first **storey** of the **building** provided they located to the rear of the non-residential uses on the first **storey**;
 - ii. the following uses may be provided in combination with a **dwelling unit** on the first **storey**: office, **custom workshop**, studio, **production studio**, **performing arts studio**, private art gallery, communications and broadcasting establishment, **custom workshop**, **software development**

and processing, artist studio, and personal service shop; and

- iii. non-residential uses of the **building** may be located on the same **storey** as residential use portions;

(D) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** is 12,650 square metres, provided:

- i. the residential **gross floor area** does not exceed 12,400 square metres; and
- ii. the non-residential **gross floor area** does not exceed 600 square metres;

(E) Despite Regulation 40.10.40.50(1), **amenity space** must be provided at a minimum of 4 square metres for each dwelling unit and maintained in accordance with the requirements of Schedule A of By-law [Clerks to supply ##] and the following:

- i. a minimum of 1.2 square metres for each **dwelling unit** is indoor **amenity space**; and
- ii. a minimum of 2.5 square metres for each dwelling unit is outdoor **amenity space**;

(F) The provision of **dwelling units** is subject to the following:

- i. a minimum of 15 of the **dwelling units** must contain three or more bedrooms; and
- ii. a minimum of 35 of the **dwelling units** must contain two bedrooms;

(G) Despite Regulations 40.5.40.10(1) and 40.5.40.10(2), the height of the **building** or **structure** is the vertical distance between the Canadian Geodetic Datum elevation of 87.19 metres and the highest point of the **building** or **structure**;

(H) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the numerical value, in metres, following the letters "HT" on Diagram 3 of By-law [Clerks to supply ##];

(I) Despite (H) above and Clause 40.5.40.10, the following elements, **structures**, equipment, or parts of a **building**, are permitted to project above the permitted maximum **height** as shown on Diagram 3 of By-law [Clerks to supply by-law ##] as follows:

- i. lightning rods, antennae, satellite dishes, window washing equipment, stair enclosures, wind screens, awnings, guard rails, railings and dividers, structures for open air recreation, pergolas, trellises, screens, stairs, chimneys, vents, terraces, landscape features, to a maximum of 3.0 metres; and

- ii. Parapets, architectural features, balustrades, to a maximum of 0.5 metres;
- (J) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is 14, excluding the mechanical penthouse and the mezzanine located between the first and second **storeys**;
- (K) Despite Regulation 40.10.40.70(1), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law [Clerks to supply by-law ##];
- (L) Despite (K) above, Clause 40.10.40.60 and Regulation 40.5.40.60(1), the following are permitted to encroach into the required **building setbacks** as shown on Diagram 3 of By-law [Clerks to supply by-law ##], as follows:
- i. parapets, columns and support structures up to a maximum of 1.5 metres;
 - ii. canopies, light fixtures, awnings, ornamental elements, architectural features, windowsills, planters, guardrails, railings, stairs, wheelchair ramps, vents, screens and landscape features up to a maximum of 1.5 metres; and
 - iii. balconies up to a maximum of 1.5 metres are only permitted on the north and east facing **building** walls and there shall be no balcony projections permitted on the south and west facing **building** walls;
- (M) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided as follows:
- i. zero (0) **parking spaces** for the residents of the **building** are required; and
 - ii. a minimum of fourteen (14) **parking spaces** for the shared use of residential visitors and non-residential uses;
- (N) Despite Regulation 200.15.10(1), a minimum of 1 accessible **parking space** must be provided and maintained below ground;
- (O) Despite Regulation 200.15.1(1), an accessible **parking space** must be provided with the following dimensions:
- i. a minimum length of 5.6 metres;
 - ii. a minimum width of 3.4 metres; and
 - iii. a minimum vertical clearance of 2.1 metres;
- (P) Despite Regulation 230.5.1.10(10), short-term and long-term **bicycle parking spaces** may be located in a **stacked bicycle parking space**;

- (Q) Despite Regulation 230.40.1.20(1), **bicycle parking spaces** may be located in a secured room, enclosure or bicycle locker;
- (R) Despite Regulations 220.5.10.1 and 40.10.90.1, one Type “G” **loading space** must be provided.

Prevailing By-law and Prevailing Sections (none apply)

5. Despite any future severance, partition or division of the lands as shown on Diagram 1 attached to this By-law, the provisions of this By-law will apply as if no severance, partition or division occurred.

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 as CR (##) on Diagram 2 of By-law [Clerks to supply ##] 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 By-law [Clerks to supply ##] 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
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A of By-law [Clerks to supply ##] are satisfied.

Enacted and passed this day of , 2021.

Frances Nunziata,
Speaker

John D. Elvidge
Interim City Clerk

(Corporate Seal)

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 height and density of the proposed development on the lot and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

1. The owner shall design and construct twenty-two (22) affordable rental *dwelling units* comprising approximately 743 square metres of residential *gross floor area* within the building on the *lot* in accordance with the following and the terms set out in the Section 37 Agreement:

- a) The owner shall provide and maintain at least sixteen (16) *dwelling units* as bachelor affordable rental *dwelling units* and six (6) *dwelling units* as one-bedroom affordable rental *dwelling units* in the new 14-storey mixed-use building on the lot, as follows, with any changes to the satisfaction of the Chief Planner and Executive Director, City Planning Division:
 1. the minimum size of the bachelor units shall be at least 27 square metres and the minimum average unit size of the bachelor affordable rental *dwelling units* shall be at least 27.9 square metres;
 2. the minimum size of the affordable one-bedroom units shall be at least 41 square metres and the minimum average unit size of the one-bedroom affordable rental *dwelling units* shall be at least 41.8 square metres; and
 3. the general configuration and layout of the twenty-two (22) affordable rental *dwelling units* in the new 14-storey mixed-use building shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
- b) The owner shall provide and maintain the twenty-two (22) affordable rental *dwelling units* as rental *dwelling units* for a minimum of 20 years, or if Open Door Incentives are approved then a minimum of 40 years, beginning with the date each such unit is first occupied, with the applicable period of affordability to be referred to as the "Affordability Period". No affordable rental *dwelling unit* shall be registered as a condominium or any other form of ownership such as life lease or co-ownership which provide a right to exclusive possession of a *dwelling unit*, and no application for conversion for non-rental housing purposes, or application to demolish any affordable rental *dwelling*

unit shall be made for at least the Affordability Period. Upon the expiration of the Affordability Period, the owner shall continue to provide and maintain the affordable rental *dwelling units* as rental *dwelling units*, unless and until such time as the owner has applied for and obtained all approvals necessary to do otherwise;

- c) The owner shall provide and maintain the twenty-two (22) affordable rental *dwelling units* at ninety per cent (90%) of affordable rents, as currently defined in the City's Official Plan, for at least the Affordability Period, and in accordance with the terms and conditions set out in the Section 37 Agreement. During the Affordability Period, increases to initial rents charged to tenants occupying any of the affordable rental *dwelling units* shall be in accordance with the Residential Tenancies Act and shall not exceed the Provincial rent guideline, regardless of whether such guideline is applicable to the units under the Residential Tenancies Act;
- d) The owner shall provide tenants of all twenty-two (22) affordable rental *dwelling units* with access to, and use of, all indoor and outdoor amenities in the proposed 14-storey mixed-use building at no extra charge. Access to, and use of, these amenities shall be on the same terms and conditions as any other resident of the building without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings;
- e) the owner shall provide tenants of all twenty-two (22) affordable rental *dwelling units* with laundry facilities on the same basis as other units within the development, with no extra charges for appliances;
- f) the owner shall provide tenants of the affordable rental *dwelling units* with access to permanent and visitor bicycle parking/bicycle lockers in accordance with the zoning by-law and on the same basis as other units within the development; and
- g) The twenty-two (22) affordable rental *dwelling units* shall be made ready and available for occupancy no later than the date by which eighty percent (80%) of the new residential *dwelling units* erected on the Site, exclusive of the affordable rental *dwelling units*, are available and ready for occupancy.

2. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development of the site:

- a) the owner shall agree to develop and maintain an additional nine (9) one-bedroom affordable rental housing *dwelling units* comprised of no less than 376 square metres in total, or a reduced floor area if approved by the Executive Director, Housing Secretariat in her sole discretion, subject to the

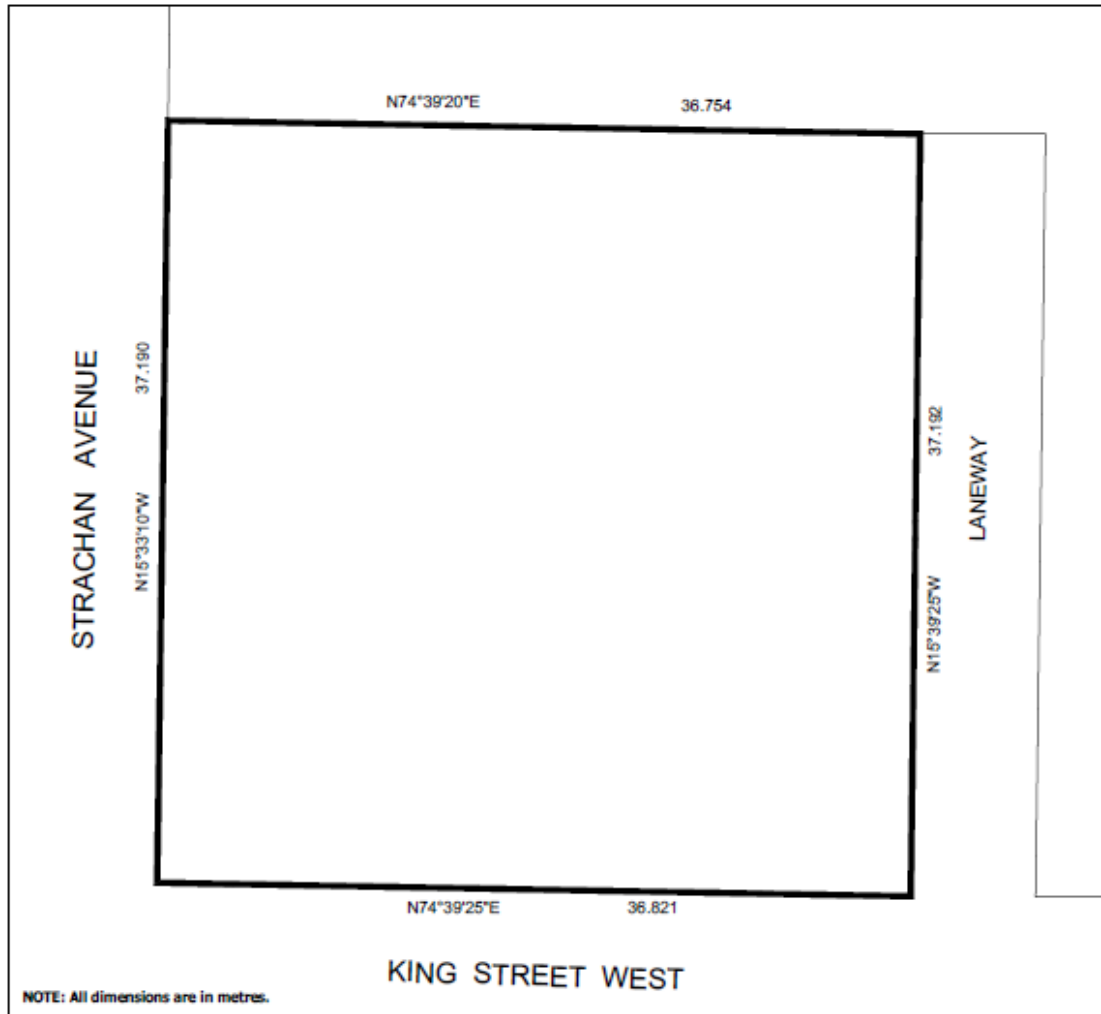
City contributing a further two million one hundred sixty thousand dollars (\$2,160,000.00) of City funding plus Open Door Program incentives, or if the aforementioned amount is not approved, such lesser number of units proportionate to approved funding, on the same terms and conditions applicable to the 22 affordable rental housing *dwelling units* as detailed herein;

- b) prior to site plan approval, the owner shall apply for Open Door Affordable Housing Program incentives for 31 units within the development;
- c) the owner agrees that the City will have 6 months following the later of submission of the application for Open Door incentives and this By-law coming into full force and effect to approve funding to support the development of a further nine (9) affordable rental housing *dwelling units*, or such other later timing as may be agreed in writing between the owner and the Executive Director, Housing Secretariat or designate;
- d) prior to the issuance of any building permit, including permits for excavation and shoring, the owner shall enter into a municipal capital facility agreement ("Contribution Agreement") with the City to provide Open Door Affordable Housing Program incentives for all affordable rental housing *dwelling units* to be developed on the lands that are approved for Open Door incentives and/or are approved to receive other City funding for the purpose of incentivizing affordable housing (if any). The owner shall provide such affordable rental housing *dwelling units* in accordance with such agreement(s) to be entered into with the City, all to the satisfaction of the Executive Director, Housing Secretariat, the Chief Planner and Executive Director, City Planning and the City Solicitor;
- e) that prior to Site Plan Approval for any development on the Site, that the owner submit a revised Landscape Plan acceptable to, and to the satisfaction of the Chief Planner and Executive Director, City Planning, and that such matters arising from the Landscape Plan, including but not limited to, public realm improvements where appropriate, will also be implemented through the Site Plan Approval;
- f) as part of any Site Plan Application for the Site, the owner shall submit a detailed wind tunnel test complete with a statistical wind analysis to determine the impacts and efficacy of the recommended wind mitigation measures, evaluated to the satisfaction of the Chief Planner and Executive Director, City Planning and that the owner shall construct and maintain any required mitigation measures, to be secured through the site plan application review

process, to the satisfaction of the Chief Planner and Executive Director, City Planning.

- g) prior to Site Plan Approval for any development on the Site, the owner's requirement to enter into an Encroachment Agreement with the City for the existing encroachments of existing building facade, canopies and open door encroachment associated with the existing heritage building within the King Street West and Strachan Avenue public rights-of-way, including any such requirements and/or conditions as may be imposed by and to the satisfaction of the Executive Director, Corporate and Real Estate Management, the General Manager, Transportation Services and the City Solicitor;
- h) the owner will construct and maintain the development of the Site in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site;
- i) requirements for a construction management plan with the general matters included in the Section 37 Agreement, including but not limited to, noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, coordination with adjacent on-going development construction, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services, in consultation with the Ward Councillor;
- j) the owner shall provide an acceptable tenant relocation and assistance plan for all tenant households currently residing in one of the existing rental dwelling rooms proposed to be demolished on the lands, addressing the right to return to occupy one of the new affordable rental *dwelling units* at similar rents and other assistance to mitigate hardship. The tenant relocation and assistance plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning; and
- k) once the development is constructed on the lands, the owner shall agree to provide and maintain all *dwelling units* within the development, together with the associated facilities and amenities, as rental *dwelling units* for a minimum of twenty (20) years beginning from the date of first residential occupancy 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.



950 King Street West, Toronto

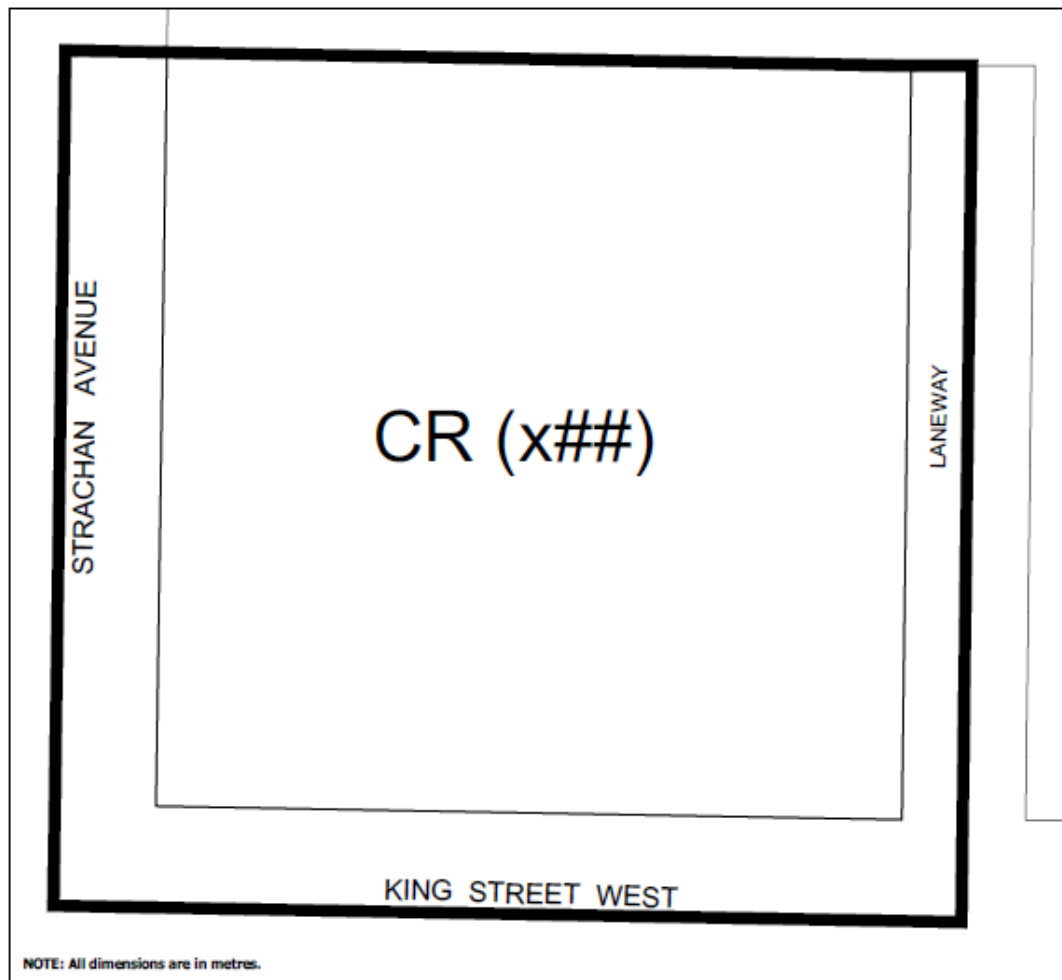
Diagram 1

File #17 _____

Not to Scale



City of Toronto By-law 569-2013



950 King Street West, Toronto

Diagram 2

File #17 _____

Not to Scale



City of Toronto By-law 569-2013

