

Authority: Toronto and East York Community Council Item _____

**CITY OF TORONTO
BY-LAW No. ____-2022**

**To amend the former City of Toronto Zoning By-law No. 438-86, as amended,
with respect to lands known municipally
as 95 St. Joseph Street in the year 2021**

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 height and 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; and

Whereas pursuant to Section 37 of the *Planning Act*, as it read the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020*, S.O. 2020, c.18 came into force, 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; and

Whereas subsection 37(3) of the *Planning Act*, as it read the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020*, S.O. 2020, c.18 came into force, 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; 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 height permitted beyond that otherwise permitted on the aforesaid lands by By-law 438-86, 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. None of the provisions of Section 2(1) with respect to the definitions of *grade*, *height*, and *lot*, and Sections 4(2)(a), 4(5)(b), 4(8), 4(13), 8(1)(f)(a), 8(2)(5), 8(2)(7)(a) (ii), 8(3) Part I 8(3) Part III 1(a), and 12(2)380 of By-law 438-86, as amended, 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" apply to prevent the erection and use of a *mixed-use building* on the *lot* provided that all of the provisions of this by-law are complied with.
2. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, continue to apply to the *lot*.
3. The *lot* consists of the lands delineated by heavy lines on Map 1, attached hereto.
4. The total combined *residential*, *institutional* and *non-residential gross floor areas* on the *lot* shall not exceed 47,500 square metres, of which the *institutional uses* shall comprise at least 50% of the combined gross floor area and *non-residential gross floor area* shall not exceed 600 square metres.
5. The *non-residential gross floor area* shall be located on the ground floor of the building and the associated mezzanine and may include *place of assembly*, *retail store*, *private art gallery* or *artists or photographer studio*.
6. No part of any building or structure on the *lot* is located above the maximum *height* in metres as indicated by the following letter "H" as shown on Map 2, attached to and forming part of this Bylaw, except:
 - (a) Architectural features up to 0.5 metres above the *height* limits shown on Map 2;
 - (b) Awnings, elements or structures used for outside or open air recreation, elements of a green roof, parapets, fences, guard rails, light fixtures, pools and associated mechanical equipment, railings and dividers, skylights, stairs, stair enclosures, trellises, and wind screens, up to 3.5 metres above the *height* limits shown on Map 2; and
 - (c) Elevator enclosures and overruns, mechanical equipment and associated structures, enclosures and screens, up to 6.5 metres above the *height* limits shown on Map 2.
7. No part of any building or structure on the *lot* is located beyond the heavy lines as shown on Map 2, attached to and forming part of this Bylaw, except:
 - (a) Awnings and entrance canopies;

- (b) Cladding, cornices, eaves, parapets, and window sills to a maximum of 0.5 metres; and
 - (c) Architectural features, balconies, railings, stairs, stair enclosures, underground garage ramps, and ventilation shafts to a maximum of 2.0 metres.
8. *Parking spaces* must be provided and maintained on the *lot* in accordance with the following minimum requirements:
- (a) A minimum of 0.17 resident *parking spaces* must be provided for each *dwelling unit*;
 - (b) A minimum of 0.06 visitor *parking spaces* must be provided for each *dwelling unit*;
 - (c) A minimum of 46 *parking spaces* must be provided for the *institutional use*; and
 - (d) No *parking spaces* are required for *commercial uses*.
9. If the calculation of the number of required *parking spaces* results in a number with a fraction, the number is rounded down to the nearest whole number.
10. A minimum of 5 *parking spaces* plus 1 *parking space* for every 50 *parking spaces* or part thereof in excess of 100 *parking spaces* provided on the *lot*, must comply with the following minimum dimensions for an accessible *parking space*:
- (a) a length of 5.6 metres;
 - (b) a width of 3.4 metres;
 - (c) a vertical clearance of 2.1 metres; and
 - (d) the entire length of an accessible parking space must be adjacent to a 1.5-metre-wide barrier free aisle.
11. At least one *loading space - type G*, one *loading space - type B* and one *loading space - type C*, shall be provided and maintained on the *lot* and may be shared between *institutional uses* and all non-institutional uses.
12. A minimum number of *bicycle parking spaces* must be provided and maintained on the *lot* in accordance with the following:

- (a) For residential uses, a minimum of 0.9 *bicycle parking space – occupant* per *dwelling unit*; and
 - (b) For residential visitors, a minimum of 0.1 *bicycle parking space – visitor* per *dwelling unit*, which may be provided in a controlled-access location.
13. A minimum of 400 square metres of *common outdoor space* shall be provided and maintained on the *lot*.
14. Despite any existing or future severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.
15. For the purposes of this By-law, every other word or expression which is italicized herein shall have the same meaning as each word or expression as defined in the aforesaid By-law No. 438-86, as amended, with the exception of the following:
- (a) "*bicycle parking space – occupant*" means an area that is equipped with a bicycle rack, stacker or locker for the purpose of parking and securing bicycles and:
 - (i) where the bicycles are to be parked on a horizontal surface, has a horizontal dimension of at least 0.4 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (ii) where the bicycles are to be parked in a vertical position, has a horizontal dimension of at least 0.4 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
 - (iii) notwithstanding (i) and (ii) above, where bicycles are to be parked in a stacker, being a device that allows parking spaces to be positioned above or below another with the aid of an elevating mechanism, the parking space within the stacker must have a horizontal dimension of at least 0.4 metres by 1.8 metres, and the stacker must be located in an area with a vertical dimension of at least 2.4 metres;
 - (iv) in the case of a bicycle parking rack, is located in a secure room or area; and
 - (v) in the case of a bicycle locker, may contain ancillary storage;
 - (b) "*bicycle parking space – visitor*" means an area that is equipped with a bicycle rack, for the purpose of parking and securing bicycles and:
 - (i) where the bicycles are to be parked on a horizontal surface, has a horizontal dimension of at least 0.4 metres by 1.8 metres and a vertical

dimension of at least 1.9 metres;

- (ii) where the bicycles are to be parked in a vertical position, has a horizontal dimension of at least 0.4 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
 - (iii) may be located indoors or outdoors including within a secure room or enclosure;
- (c) "*grade*" means 107.6 metres Canadian Geodetic Datum;
 - (d) "*height*" means the vertical distance between *grade* and the highest point of a building or structure;
 - (e) "*institutional uses*" are all portions of the building above and below grade, excluding parking and mechanical areas required for this use, licensed under the *Retirement Homes Act, 2010*; and
 - (f) "*lot*" means the lands delineated by heavy lines on Map 1 attached to this By-law.
16. 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 new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
17. Section 37 Provisions
- (a) Pursuant to Section 37 of the *Planning Act*, as it read the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020*, S.O. 2020, c.18 came into force, 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 Map 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*, as it read the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020*, S.O. 2020, c.18 came into force, that is/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 and to enter into an agreement prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of 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 are satisfied.

ENACTED AND PASSED this __day of _____, A.D. 2022.

Frances Nunziata
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

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 its expense to the City in accordance with one or more agreements pursuant to Section 37(3) of the *Planning Act*, as it read the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020*, S.O. 2020, c.18 came into force, 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. Prior to the issuance of any Building Permit, the owner shall enter into an agreement to the satisfaction of the City Solicitor pursuant to Section 37 of the *Planning Act* as it read on the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* came into force to secure the community benefits below.

a) The community benefits to be secured in the Section 37 Agreement are as follows:

The owner shall make a cash contribution in the amount of \$6,500,000.00, prior to the issuance of the first above grade building permit, to be allocated toward the following capital improvements at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor;

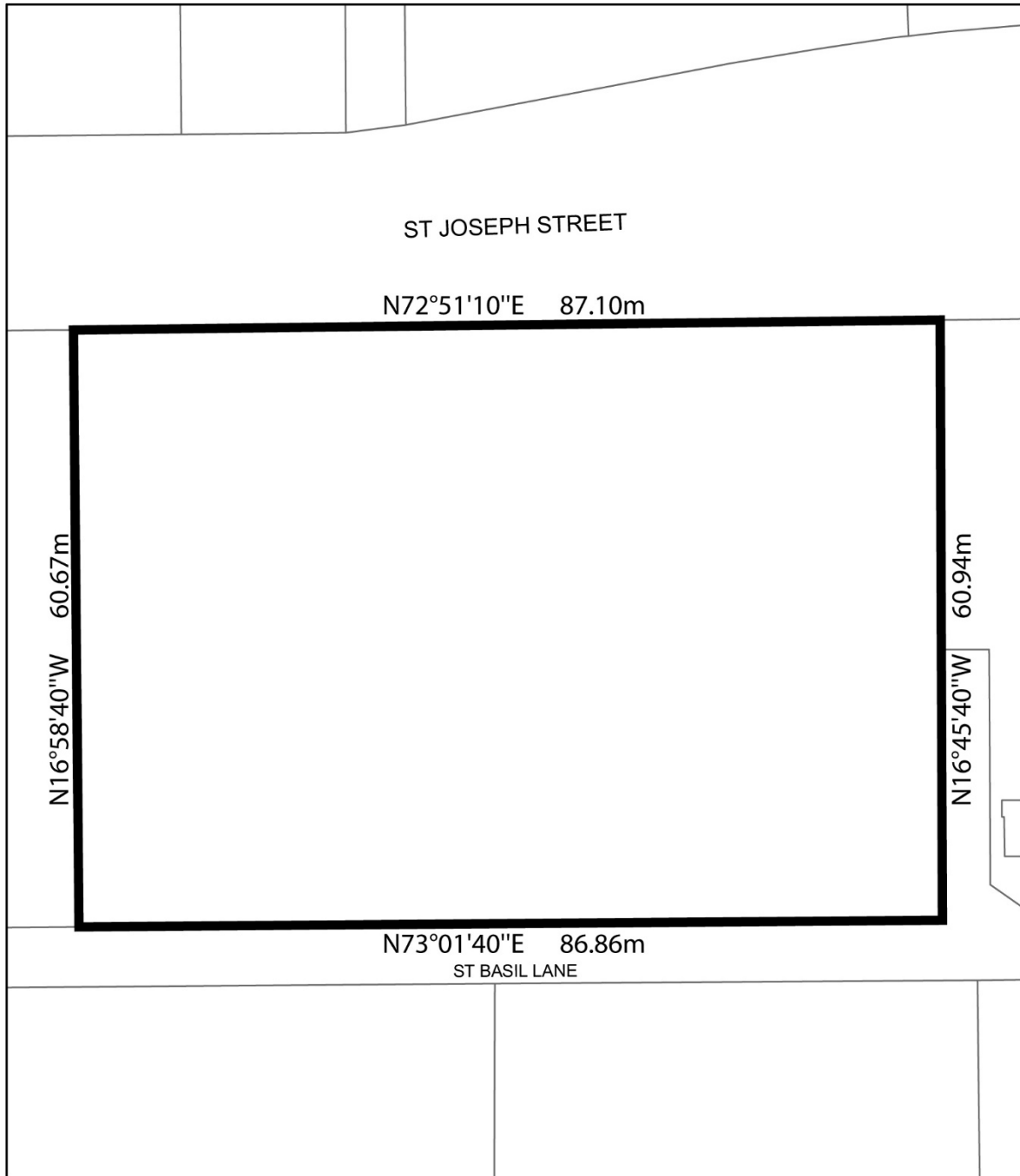
- A. \$1,300,000.00 for capital improvements for new or existing affordable housing; and
- B. \$5,200,000.00 towards streetscape improvements, affordable housing and/or community services;

which contributions shall be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the registration of the Section 37 Agreement to the date the payment is made; and

in the event the cash contribution referred to above has not been used for the determined purpose within three years of the amending Zoning By-law coming into full force and effect, the cash 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.

b) The following matters are also to be secured in the Section 37 Agreement as a legal convenience to support development:

- i. that the owner enter into a Heritage Easement Agreement with the City for the property at 95 St. Joseph Street in accordance with the plans and drawings dated October 20, 2021 prepared by CORE Architects Inc., and on file with the Senior Manager, Heritage Planning, the Heritage Impact Assessment prepared by ERA Architects Inc., dated March 10, 2022, and in accordance with the Conservation Plan required to the satisfaction of the Senior Manager, Heritage Planning, including registration of such agreement to the satisfaction of the City Solicitor.
- ii. that the owner provide a detailed Conservation Plan, prepared by a qualified heritage consultant that is consistent with the conservation strategy set out in the Heritage Impact Assessment for 95 St. Joseph Street prepared by ERA Architects Inc., dated March 10, 2022, to the satisfaction of the Senior Manager, Heritage Planning.
- iii. that prior to Site Plan Approval, the owner shall submit a Construction Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning, General Manager of Transportation Services and the Chief Building Official and Executive Director, Toronto Building, in consultation with the Ward Councillor and thereafter in support of the development, will implement the Plan during the course of construction. The Construction Management Plan will include, but not be limited to the following construction-related details: 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, parking 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 General Manager, Transportation Services, in consultation with the Ward Councillor;
- iv. that 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. The Owner shall construct and maintain the development in accordance with Tier 1.



95 St. Joseph Street

File # 19 115474 STE 11 0Z

LOTS 6 TO 16 INCLUSIVE , SOUTH SIDE OF ST. JOSEPH STREET
REGISTERED PLAN D-65, CITY OF TORONTO.
KRCMAR SURVEYORS LTD. April 24, 2018.

↑
Former City of Toronto 438-86
Not to Scale
05/29/2022

