

Attachment 5: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ____-2023

To amend former City of Toronto Zoning By-law 438-86, and By-law No. 141-2005, as amended, all with respect to the Regent Park Area.

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;

Whereas authority is given to Council by Section 34 and Section 36 of the *Planning Act*, 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 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 the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development;

Whereas pursuant to subsection 37.1(3) of the *Planning Act*, R.S.O. c. P.13 subsections 37(1) to (4) of the *Planning Act*, as they read the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act*, S.O. 2020, c. 18 came into force continue to apply where a municipality passes a by-law described in the repealed subsection 37(1) prior to the date that a community benefits charge by-law is passed under subsection 37(2) provided the by-law is not amended to remove the requirement to provide any of the facilities, services or matters secured therein or repealed;

Whereas on August 15, 2022, City Council passed By-law 1139-2022 being the City's Community Benefits Charge By-law pursuant to Subsection 37(2) of the *Planning Act*;

Whereas Council at its meeting of February 16, 2005 enacted By-law No. 141-2005 being a by-law described in the repealed subsection 37(1) of the *Planning Act* and this By-law does not amend or remove the requirement to provide facilities, services and therefore subsections 37(1) to (4) of the *Planning Act*, as they read the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act*, 2020 came into force continue to apply;

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* came into force, provides that where an owner of land elects to provide facilities, services or matters in return for an increase in the density and/or height 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;

Whereas the Owner has elected to provide certain facilities, services and matters in return for certain increases in density and height as set out in the Zoning by-law Amendment herein in addition to those secured through By-law No. 141-2005; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86 as amended by By-law No. 141-2005, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law;

The Council of the City of Toronto enacts:

1. Section 2(1) of By-law No. 438-86, being “A By-law to regulate the use of land in the erection, use, bulk, height, spacing of/and other matters relating to buildings and structures in various areas of the City of Toronto”, as amended, is further amended by:

a) District Map 51H-313 contained in Appendix ‘A’ of By-law No. 438-86, as amended, is hereby further amended by redesignating the lands delineated by heavy lines to ‘CR(H)’, ‘G(H)’, and ‘R4A(H)’ as shown on Map 1 attached hereto.

b) Height Map 51H-313 contained in Appendix ‘B’ of By-law No. 438-86, as amended, is hereby further amended as shown for those lands delineated on Map 2 attached hereto.

2. Section 12(1) 465 of By-law No. 438-86 is amended by:

a) Deleting Section (b)(ii) in its entirety and replacing it with the following Section (b)(ii):

“community related uses, *public library, cultural and arts facilities, privately-owned publicly accessible space, underground parking garage, commercial parking garage located below grade, clinic, community centre, community health centre, day nursery, municipal community centre, performing arts studio, place of worship*, premises of a *charitable institution non-profit institution* or other community or social agency, *public art gallery, public museum, below grade facilities for storm water retention, uses permitted by paragraph (m) herein and accessory uses thereto, including the following uses as accessory to the uses permitted in this section: bake-shop, caterer's shop, courier service, personal grooming establishment, private art gallery, restaurant, retail store, tailoring shop, take-out restaurant, and office.*”

b) Deleting Section (c)(ii) in its entirety and replacing it with the following Section (c)(ii):

“a residential building; an artist live/work studio; senior citizens’ housing; live-work unit located at grade which is a dwelling unit that is also used for work purposes where the resident or residents of such accommodation and up to a maximum of 2 employees, at any one given time, of the residents work in the dwelling unit, provided the work component is restricted to the following uses or classifications: office, studio, custom workshop, personal grooming establishment or tailoring shop; a non-profit agency that provides community services such as but not limited to employment, immigration, counselling, welfare, or legal services; one retail store located on the ground floor or basement of an apartment building; offices for government, community or social agencies; parking stacker; commercial parking garage located below grade; and accessory uses thereto.”

c) Adding the following Section (c)(iv):

(iv) “For Phases 4 and 5, as outlined on Map 2 of 2, for those lands located within 30 metres of a G District, those uses permitted within a CR District in section 8(1)(f).”

d) Adding the following Sections (f)(iv) and (f)(v):

(iv) “Notwithstanding (f)(i) above, any *residential amenity space* located outdoors that is provided on the roof of a building shall be deemed to be required for the purposes of satisfying other City of Toronto by-laws and standards.”

(v) “For Phases 4 and 5, as outlined on Map 2 of 2, a minimum of 1 square metre of the required *residential amenity space* provided indoors must be provided in the building for which it is required, and the remainder of the required *residential amenity space* provided indoors may be located in a different building within Phases 4 and 5, as outlined on Map 2 of 2, within 300 metres of the building for which it is required.”

e) Removing the term “Phases 3, 4 and 5” from (g)(i)G and replacing it with “Phase 3”.

f) Adding the following Section (g)(i)H:

(H) “Notwithstanding (g)(i)A above, for Phases 4 and 5, as outlined on Map 2 of 2, *parking spaces* for each *dwelling unit* in a *social housing* and/or *alternative housing building* shall be provided and maintained at a maximum rate of 0.5 *parking spaces* for each *dwelling unit*.

g). Adding the following Section (g)(i)I:

(I) “Notwithstanding (g)(i)C above, for Phases 4 and 5, as outlined on Map 2 of 2, *parking spaces* for each *dwelling unit* (other than *alternative housing* or *social housing*) in a building containing more than 6 *dwelling units* including those that

are *alternative housing* or *social housing* shall be provided and maintained at a maximum rate of:

- i. 0.3 *parking spaces* for each bachelor *dwelling unit* up to 45 square metres and 1.0 for each bachelor *dwelling unit* greater than 45 square metres;
- ii. 0.5 *parking spaces* for each one bedroom *dwelling unit*;
- iii. 0.8 *parking spaces* for each two bedroom *dwelling unit*; and
- iv. 1.0 *parking spaces* for each three or more bedroom *dwelling unit*.”

h) Adding the following Section (g)(i)J:

(J) “Notwithstanding (g)(i)D above, for Phases 4 and 5, as outlined on Map 2 of 2, visitor *parking spaces* shall be provided and maintained at a minimum rate of 2.0 plus 0.01 *parking spaces* per *dwelling unit* (other than *alternative housing* or *social housing*).”

i) Removing the term “*social housing building*” from g(i)E and replacing it with “*social housing* and/or *alternative housing building*”.

j) Adding the following Section (g)(i)K:

(K) “For Phases 4 and 5, as outlined on Map 2 of 2, *parking spaces* for non-residential uses shall be provided and maintained at a maximum rate of 3.5 *parking spaces* per 100 square metres of *non-residential gross floor area*, notwithstanding non-residential *parking spaces* for Toronto Community Housing or its successor which shall not be subject to a maximum rate.”

k) Adding the following Section (g)(iii):

(iii) “For Phases 4 and 5, as outlined on Map 2 of 2, the following requirements shall apply:

A. up to 10% of the provided *parking spaces* may be *small car parking spaces*;

B. for each building containing residential uses, a minimum of 1 *car-share parking space* shall be provided, which shall not be included in the calculation of maximum parking rates listed in Section (g)(i)H and Section (g)(i)I;

C. visitor *parking spaces* and *parking spaces* for non-residential uses may be provided on a shared, non-exclusive basis within a *commercial parking garage*;

D. accessible *parking spaces* shall be provided at a minimum rate of 5 accessible *parking spaces*, plus 1 accessible *parking space* for every 50 *parking spaces* or part thereof, in excess of 100 *parking spaces*;

E. accessible *parking spaces* must comply with the following:

(1) an accessible *parking space* shall have the following minimum dimensions:

i. length of 5.6 metres;

ii. width of 3.4 metres;

iii. vertical clearance of 2.1 metres;

(2) the entire length of an accessible *parking space* must be adjacent to a 1.5 metre wide accessible barrier free aisle or path as shown on Diagram 1 and Diagram 2 of By-law 579-2017; and

(3) accessible *parking spaces* must be located within 20 metres of a barrier free entrance to the building or passenger elevator that provides access to the first floor of the building.”

I) Adding the following Section (i)(iii):

(iii) “For Phases 4 and 5, as outlined on Map 2 of 2, the following requirements shall apply:

A. for the block bounded by Gerrard Street East, Dreamers Way, Oak Street, and Street G as identified on Map 1 of 2, 1 *loading space - Type G* shall be required;

B. for the block bounded by Gerrard Street East, Sackville Street, Oak Street, and Street G as identified on Map 1 of 2, 1 *loading space - Type G* and 1 *loading space - Type B* shall be required;

C. for the block bounded by Gerrard Street East, Sumach Street, Oak Street, and Sackville Street as identified on Map 1 of 2, 1 *loading space - Type G* and 1 *loading space - Type B* shall be required to the west of the area zoned “G” on Map 1, and 1 *loading space - Type G* and 1 *loading space - Type B* shall be required to the east of the area zoned “G” on Map 1;

D. for the block bounded by Gerrard Street East, Street J, Oak Street, and Sumach Street as identified on Map 1 of 2, 1 *loading space - Type G* and 1 *loading space - Type B* shall be required;

E. for the block bounded by Gerrard Street East, River Street, Oak Street, and Street J, 1 *loading space - Type G* and 1 *loading space - Type B* shall be required

m) Adding the following Sections (j)(v) and (j)(vi):

(v) "Notwithstanding (j)(iv) above, buildings shall be set back a minimum of 0.75 metres at *grade* from the property line along Street G identified on Map 1 of 2."

(vii) "For Phases 4 and 5, as outlined on Map 2 of 2, buildings located within an R4A or CR District shall be set back a minimum of 3 metres from a G District."

n) Deleting Section (k)(i) in its entirety and replacing it with the following Section (k)(i):

"One tower may be located within each Permitted Tower Area as shown on Map 1 of 2 up to a maximum *height* as follows, provided that the *residential gross floor area*, the *non-residential gross floor area*, or any combination thereof of any floor located above a *height* of 30 metres does not exceed 800 square metres for a Type A, B, C, E, F, G, H and I Tower or 750 square metres for a Type A1, B1, C1 Tower, or above a height of 32 metres does not exceed 800 square metres for a Type D and J Tower:

A. 60 metres for a Type A and Type A1 Tower;

B. 77 metres for a Type B and B1 Tower;

C. 88 metres for a Type C and C1 Tower;

D. 90 metres for a Type D Tower;

E. 138 metres for a Type E Tower;

F. 83 metres for a Type F Tower;

G. 70 metres for a Type G Tower;

H. 125 metres for a Type H Tower;

I. 136 metres for a Type I Tower; or

J. 97 metres for a Type J Tower."

o) Deleting Section (k)(ii) in its entirety and replacing it with the following Section (k)(ii):

"For Phases 3, 4 and 5, as outlined in Map 2 of 2, no building shall contain more than:

- A. 6 storeys above *grade* within a 22 metre height district in Phase 3;
- B. 10 storeys above *grade* within a 30 metre height district in Phase 3;
- C. 6 storeys above *grade* within a 30 metre height district in Phases 4 and 5;
- D. 7 storeys above *grade* within a 28 metre height district in Phases 4 and 5;
- E. 8 storeys above *grade* within a 31 metre height district in Phases 4 and 5;
- F. 9 storeys above *grade* within a 34 metre height district in Phases 4 and 5;
- G. 10 storeys above *grade* within a 37 metre height district in Phases 4 and 5;
- H. 11 storeys above *grade* within a 40 metre or 44 metre height district in Phases 4 and 5; or
- I. 12 storeys above *grade* within a 45 metre height district in Phases 4 and 5;

p) Deleting Section (k)(iii) in its entirety and replacing it with the following Section (k)(iii):

“Within a Permitted Tower Area as shown on Map 1 of 2, no building shall contain more than:

- A. 20 storeys above *grade* for a Type A1 Tower;
- B. 22 storeys above *grade* for a Type B1 Tower;
- C. 30 storeys above *grade* for a Type C1 Tower;
- D. 26 storeys above *grade* for a Type D Tower;
- E. 39 storeys above *grade* for a Type E Tower;
- F. 22 storeys above *grade* for a Type F Tower;
- G. 18 storeys above *grade* for a Type G Tower;
- H. 35 storeys above *grade* for a Type H Tower;
- I. 38 storeys above *grade* for a Type I Tower; or

J. 28 storeys above *grade* for a Type J Tower.

q) Adding the following Section (k)(iv):

(iv) “Notwithstanding Section 12(2) 380, the minimum separation distance between towers in Phases 4 and 5, as outlined on Map 2 of 2, shall be 25 metres, and the following elements may encroach into the required separation distances as follows:

(i) cladding added to the exterior surface of the main wall of the building, by a maximum of 0.4 metres;

(ii) lighting fixtures and window washing equipment, by a maximum of 3.0 metres;

(iii) balconies, by a maximum of 2.0 metres;

(iv) canopies and awnings, or a roof over a balcony, by a maximum of 2.0 metres;

(v) architectural features, including a pilaster, decorative column, cornice, sill, belt course or other similar architectural feature, by a maximum of 0.3 metres;

(vi) eaves, by a maximum of 0.9 metres;

(vii) equipment, including a vent or pipe, by a maximum of 0.6 metres; and

(viii) terraces, wind screens, and railing on the building’s roof, to the same extent as the roof below.

r) Deleting Section (l)(iv) in its entirety and replacing it with the following Section (l)(iv):

“a chimney stack for a *district energy, heating and cooling plant*, which has been approved by the Ministry of Environment or a decommissioned chimney stack located on an existing building on the date of the passing of this by-law.”

s) Adding the following Section (l)(v):

(v) “a canopy, either freestanding or attached to a building, that may be up to 5 metres in height.”

t). Adding the following Section (p):

(p) “For Phases 4 and 5, as outlined on Map 2 of 2, *bicycle parking spaces* shall be provided in accordance with section 4(13) except that:

(i) If the calculation of the minimum *bicycle parking spaces* for all uses results in a fraction of a *bicycle parking space* being required, the number of required *bicycle parking spaces* must be rounded up to the next whole number;

(ii) A minimum of 1.1 *bicycle parking spaces* for each *dwelling unit* shall be required, allocated as 0.9 *bicycle parking spaces – occupant* per *dwelling unit* and 0.2 *bicycle parking spaces – visitor* per *dwelling unit*, and no maximum number of *bicycle parking spaces* shall apply;

(iii) *Bicycle parking spaces* for non-residential uses shall be provided at the following rates:

A. for a *restaurant*, personal service shop, and *retail store*, the minimum number of *bicycle parking spaces – visitors* shall be 3 plus 0.3 *bicycle parking spaces* for each 100 square metres of interior floor area used for a restaurant, personal service shop, or retail store, and the minimum number of *bicycle parking spaces – occupant* shall be 0.2 for each 100 square metres of interior floor area used for a *restaurant*, personal service shop, and *retail store*;

B. for a medical office, the minimum number of *bicycle parking spaces – visitor* shall be 3 plus 0.15 *bicycle parking spaces* for each 100 square metres of interior floor area used for a medical office, and the minimum number of *bicycle parking spaces – occupant* shall be 0.15 for each 100 square metres of interior floor areas used for a medical office;

C. for an office, the minimum number of *bicycle parking spaces – visitor* shall be 3 plus 0.2 *bicycle parking spaces* for each 100 square metres of interior floor area used for an office, and the minimum number of *bicycle parking spaces – occupant* shall be 0.2 for each 100 square metres of interior floor areas used for an office;

(iv) Notwithstanding subsection (iii) above, if a *bicycle parking space* is required for non-residential uses in a building and the total interior floor area of all such uses in a building is 2000 square metres or less, then no *bicycle parking space* is required;

(v) For the purposes of section (iii) above, to calculate *bicycle parking space* requirements for non-residential uses, the interior floor area of a building is reduced by the area in the building used for parking, loading and bicycle parking below *grade*, required loading spaces at the ground level and required *bicycle parking spaces* at or above *grade*; storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement; shower and change facilities and bicycle maintenance facilities, elevator shafts, mechanical penthouse, and exit stairwells in the building;

(vi) *Bicycle parking spaces – occupant and bicycle parking spaces – visitor* may be provided on a horizontal surface, in a vertical position or as a *stacked bicycle parking space*;

(vii) *Bicycle parking spaces – occupant and bicycle parking spaces – visitor* for non-residential uses in a building containing *alternative housing* and/or *social housing dwelling units* may be located outside of the building in an unsecured area; and

(viii) If *bicycle parking spaces – occupant* are required for non-residential uses in a building that does not contain *alternative housing* and/or *social housing dwelling units*, shower and change facilities must be provided for each gender at the following rate:

A. none if less than 5 required *bicycle parking spaces – occupant*;

B. 1 for 5 to 60 required *bicycle parking spaces – occupant*;

C. 2 for 61 to 120 required *bicycle parking spaces – occupant*;

D. 3 for 121 to 180 required *bicycle parking spaces – occupant*; and

E. 4 for more than 180 required *bicycle parking spaces – occupant*.”

u) Deleting Map 1 of 2 and 2 of 2 and replacing it with Map 1 of 2 and Map 2 of 2, as shown on Map 3 and Map 4 attached hereto.

v) Inserting after 4 (viii) the following:

(ix) “*car-share*” means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;

(x) “*car-share parking space*” means a *parking space* that is reserved and actively used for car-sharing;

(xi) “*small car parking space*” means a *parking space* having a minimum unobstructed area of 2.4 metres wide by 5.0 metres long which is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle.

(xii) “*stacked bicycle parking space*” means a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* and is equipped with a mechanical device providing floor level access to both *bicycle parking spaces* and has horizontal dimensions of a least 0.4

metres by 1.8 metres and a vertical dimension of at least 1.2 metres per *bicycle parking space*.

3. Section 6 of By-law No. 141-2005 is amended by deleting Section (a)(iv)(B) in its entirety and replacing it with the following Section (a)(iv)(B):

“at least 188 will be in town-houses or low-rise buildings or will have direct access to grade, of which;

4. 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.

5. For Phases 4 and 5, as outlined on Map 2 of 2, no land may be used and no building or structure may be erected or used, except for below-ground structures and foundations, unless:

a) For the lands identified as Area A outlined on Map 2 of 2:

i. the streets identified as Street G and Sackville Street on Map 1 of 2 are constructed to a minimum of base curb and base asphalt or concrete and are connected to an existing street; and

ii. all Municipal water mains and Municipal sewers, and their appurtenances, are installed within the streets identified as Street G and Sackville Street on Map 1 of 2, and are operational.

b) For the lands identified as Area B outlined on Map 2 of 2:

i. the streets identified as Sackville Street and Sumach Street on Map 1 of 2 are constructed to a minimum of base curb and base asphalt or concrete and are connected to an existing street; and

ii. all Municipal water mains and Municipal sewers, and their appurtenances, are installed within the streets identified as Sackville Street and Sumach Street on Map 1 of 2, and are operational.

c) For the lands identified as Area C outlined on Map 2 of 2:

i. the streets identified as Sumach Street and Street J on Map 1 of 2 are constructed to a minimum of base curb and base asphalt or concrete and are connected to an existing street; and

ii. all Municipal water mains and Municipal sewers, and their appurtenances, are installed within the streets identified as Sumach Street and Street J on Map 1 of 2 and are operational.

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/or density of development on the *lot* contemplated herein beyond that otherwise permitted in By-law 438-86 and By-law 141-2005, as amended, is permitted in return for the provision by the owner, at the owner's expense certain 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* and/or density pursuant to this By-law unless all provisions of Schedule A are satisfied; and
- d) The owner shall enter into an agreement to the satisfaction of the City Solicitor pursuant to Section 37(3) and (4) 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 above.

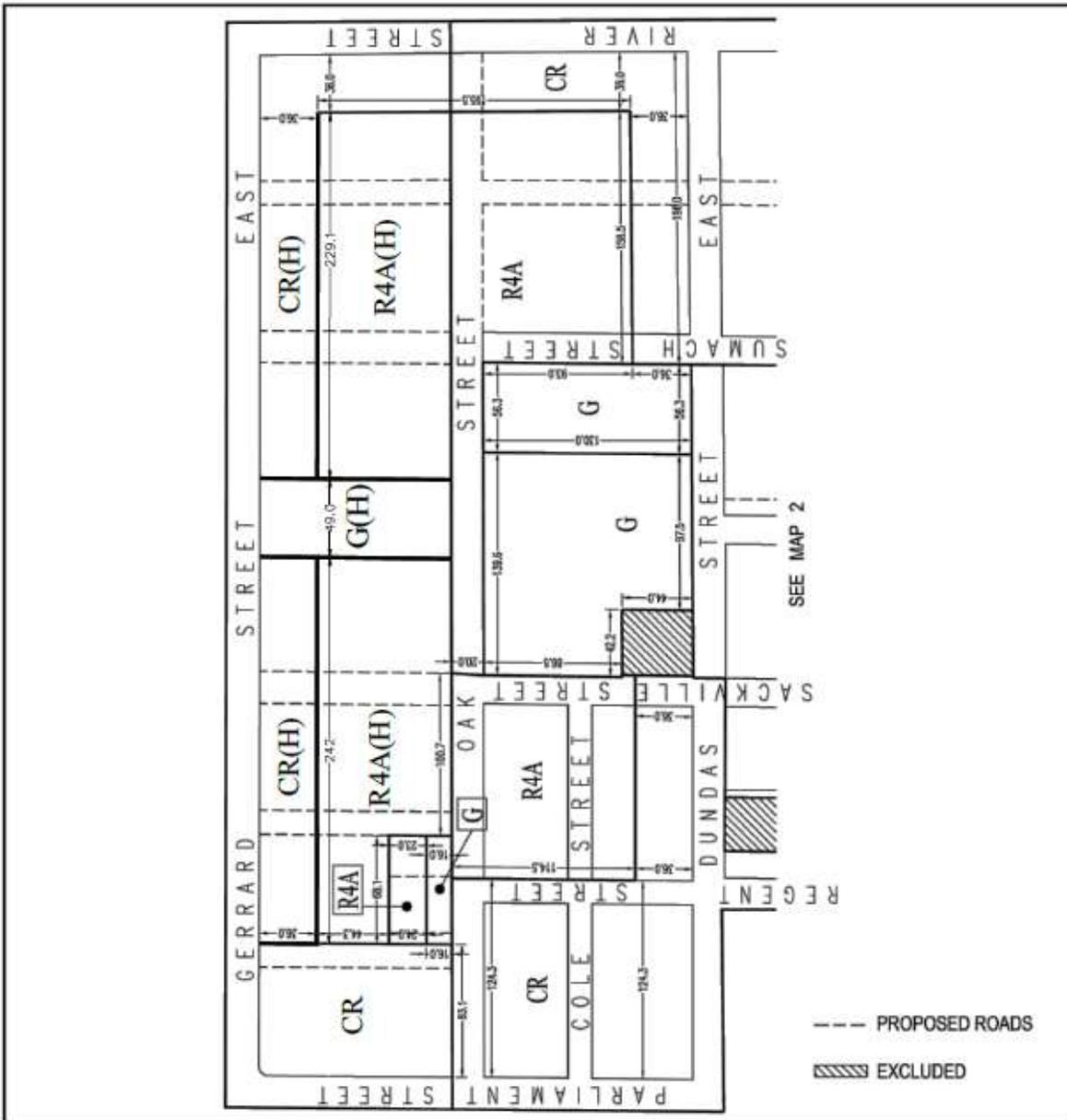
Enacted and passed on ____, 2023.

Frances Nunziata
Speaker

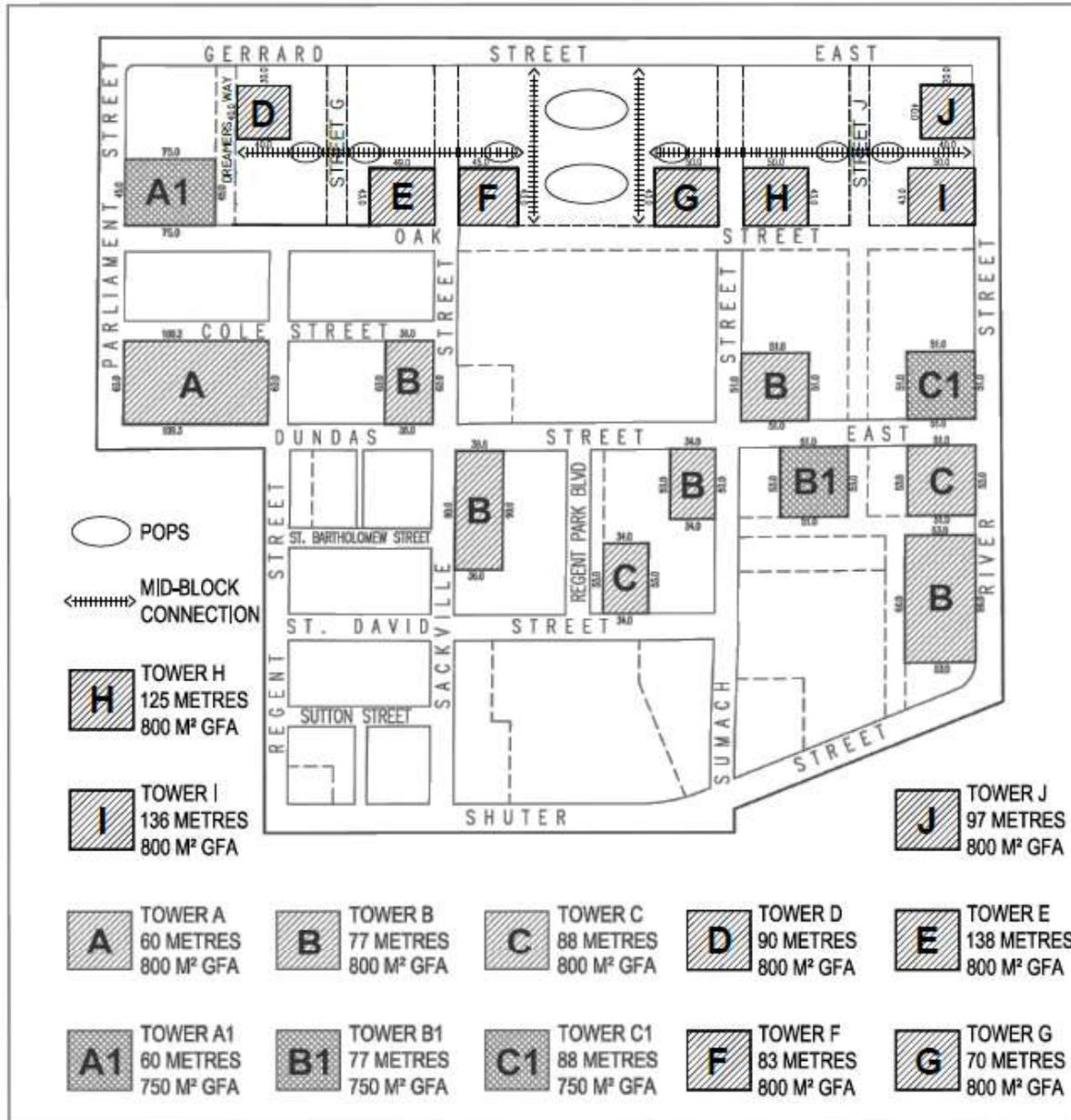
John D. Elvidge,
City Clerk

(Seal of the City)

Map 1



Map 3



Regent Park

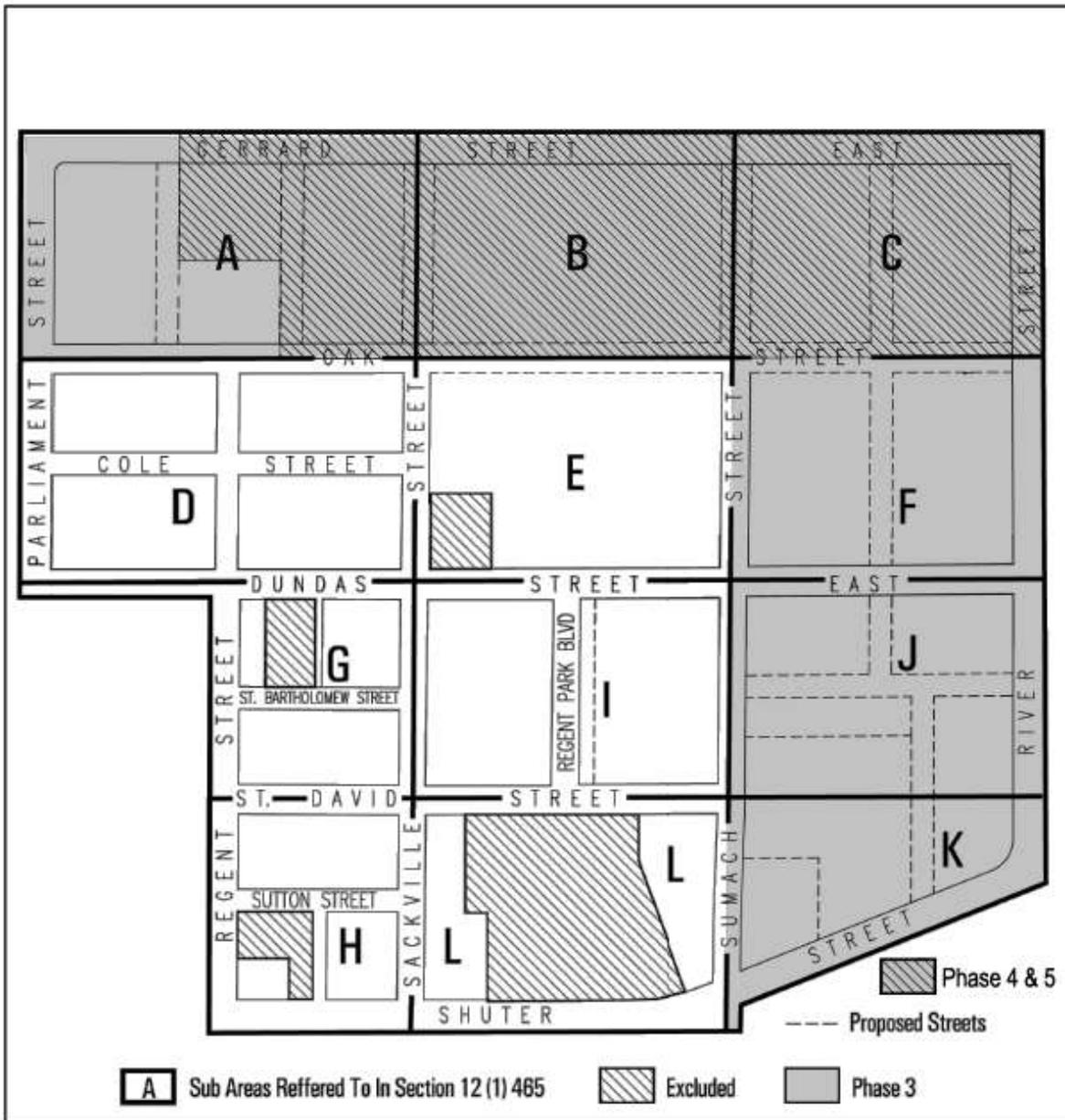
Tower Locations Map Amendment to Map 1 of 2 of By-law No. 141-2005

File #



Not to Scale
06/19/2023

Map 4



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 lands as shown as Phases 4 & 5 on Map 4 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:

Community Benefits

(1) The owner shall design and construct a minimum of 3,714 square metres of non-residential gross floor area for community space within the Phases 4 and 5 lands, which may be located across multiple buildings and the minimum area may be adjusted to account for gross floor areas exclusions once the community space is designed, subject to the following:

(a) The ownership and operation of the community space shall be finalized and secured in the amending 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, in consultation with the Ward Councillor; and

(b) The community space shall be designed and constructed in accordance with the terms and specifications to be secured in the amending 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.

Privately Owned Publicly-Accessible Space (POPS)

(2) The owner shall construct and maintain privately owned publicly-accessible space (POPS) located within the Phases 4 and 5 lands, consisting of a central plaza located within the block bounded by Gerrard Street East, Oak Street, Sackville Street and Sumach Street, and a series of open spaces comprising the east-west connection, in the locations generally identified on Map 3 in this By-law, 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 Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;

(3) The owner 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, in perpetuity, in favour of the City over the POPS.