

Authority: Toronto and East York Community Council Item 17.8,
as adopted by City of Toronto Council on July 11, 12 and 13, 2012
Enacted by Council: July 13, 2012

CITY OF TORONTO

BY-LAW No. 1048-2012

To amend General Zoning By-law No. 438-86, as amended, of the former City of Toronto with respect to the lands known municipally as 576, 578 and 580 Front Street West, 25 and 27 Bathurst Street, 33, 35 and 49 Niagara Street.

WHEREAS the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, with respect to lands known municipally in the year 2012 as 576, 578 and 580 Front Street West, 25 and 27 Bathurst Street, 33, 35 and 49 Niagara Street; and

WHEREAS the Council of the City of Toronto has conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment; and

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services, or matters in return for any increase in the height or 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 lands hereinafter referred to has elected to provide the facilities, services, and matters as are hereinafter set forth; and

WHEREAS the increase in the height of development permitted hereunder, beyond that otherwise permitted on the lands by By-law No. 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 and to be secured by one or more agreements between the owner of the lands and the City of Toronto; and

WHEREAS the Council for the City of Toronto has required the owner of the aforesaid lands to enter into one or more agreements for the provision of certain facilities, services, and matters in return for the increases in height permitted in this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Sections 2(1) with respect to the definition of *bicycle parking space – occupant*, *bicycle parking space – visitor*, *grade*, *non-residential gross floor area*, and Sections 4(2)(a), 4(5), 4(8), 4(12), 4(13), 4(16), 4(17), 7(3) Part II, 12(2)132, 12(2)204, 12(2)246, 12(2)260 and 12(2)270 of Zoning By-law No. 438-86 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", as amended, shall apply to prevent the erection and use of a *mixed-use building* on the *lot* which may contain dwelling units, non-residential uses and a *commercial parking garage*, including uses *accessory* thereto, provided that:
 - (1) For the purposes of this By-law, the *lot* shall consist of the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;

- (2) In addition to the uses permitted pursuant to Section 7(1)(a) of By-law No. 438-86, as amended, a *commercial parking garage* is a permitted use on the *lot*, provided that *parking spaces* within the *commercial parking garage* are located below the first *storey* of the building;
- (3) Not more than 1,200 *dwelling units* are erected on the *lot*, of which not less than 10% of the total number of *dwelling units* shall contain three *bedrooms*;
- (4) The total *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* shall not exceed 80,150 square metres, of which a minimum of 4,500 square metres of *non-residential gross floor area* shall be located on the first *storey* of the building;
- (5) No part of any building or structure erected above finished ground level is located other than wholly within the areas delineated by the lines shown on Map 2 attached to and forming part of this By-law, with the exception of the following:
 - (a) lighting fixtures, cornices, sills, eaves, canopies, window washing equipment, parapets, railings, privacy screens, terraces, patios, cabanas, planters, balustrades, bollards, stairs, covered stairs or stair enclosures, awnings, fences and safety railings, trellises, underground garage ramps and associated structures, guardrails, chimneys, vents, stacks, mechanical fans, retaining walls, wheel chair ramps, ornamental or architectural features, structures and elements related to outdoor patios, landscape features, and art installations may extend beyond the lines shown on Map 2 within the *lot*; and
 - (b) balconies may extend beyond the lines shown on Map 2 in the locations identified by hatching on Map 2 to a maximum horizontal projection of 1.5 metres;
- (6) No part of any building or structure on the *lot* exceeds the *height* limits shown in metres and specified by the numbers following the letter "H" in the areas delineated on Map 2, provided this does not prevent:
 - (a) the erection or use of the structures, elements and enclosures permitted by Section 1(5) of this By-law;
 - (b) elements on the roof of the building or structure used for green roof technology or alternative roofing system, provided the maximum vertical projection of such elements is no higher than 0.5 metres above the applicable *height* limit shown on Map 2; and
 - (c) roof top stacks and vents to a maximum vertical projection of 3.0 metres above the applicable height limit shown on Map 2;
- (7) Notwithstanding Sections 1(5) and 1(6) hereof:
 - (a) within the grey area shown on Map 2, no part of any building shall be located from finished ground level to a minimum of 13.0 metres above *grade* other

- than signage, lighting, columns, structural supports and design features and such area shall be equal to a minimum of 36 square metres;
- (b) in the locations shown with a dashed line on Map 2, not including those areas subject to subsection (a) above, the first *storey* of the building shall be setback a minimum of 1.5 metres from those portions of the second *storey* immediately above which are closest to the street, with the exception of the elements permitted by subsection (c) below; and
 - (c) the exceptions referred to in subsection (b) above include the following: lighting fixtures, canopies, railings, planters, balustrades, columns, bollards, stairs, covered stairs or stair enclosures, awnings, fences and safety railings, trellises, guardrails, vents, wheel chair ramps, ornamental or architectural features, structures and elements related to outdoor patios, landscape features and signage, as well as retail bays fronting onto Front Street West which are limited to a maximum total width of 34 metres;
- (8) The second *storey* shall have a minimum floor to ceiling height of 3.3 metres for the area composed of indoor *residential amenity space*;
- (9) No person shall erect or use a building or structure on the *lot* which exceeds the number of *storeys* specified by the numbers following the letter "S" in the areas delineated on Map 2;
- (10) Above and including the second *storey*, a minimum of 13.5 % of the exterior walls of the building facing Bathurst Street shall be occupied by glazed areas, spandrel panels and vents, which are inset a minimum of 1.5 metres from the main exterior wall of the building;
- (11) *Residential amenity space* shall be provided and maintained on the *lot* in accordance with the following minimum requirements:
- (a) 2.0 square metres of indoor *residential amenity space* shall be provided per *dwelling unit*, above the first storey, in a multipurpose room or rooms, at least one of which shall contain a kitchen and a washroom;
 - (b) a minimum of 50% of the indoor *residential amenity space* required under (a) above, shall be provided within the second *storey* of the building; and
 - (c) 2.0 square metres of outdoor *residential amenity space* shall be provided per *dwelling unit*, above the first *storey*, of which at least 1,000 square metres shall be provided in a location adjoining or directly accessible from the indoor *residential amenity space* located within the second *storey* of the building;

- (12) *Parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:

Residential:

- (a) a minimum of 0.26 *parking spaces* per *bachelor dwelling unit*;
- (b) a minimum of 0.3 *parking spaces* per one *bedroom dwelling unit*;
- (c) a minimum of 0.75 *parking spaces* per two *bedroom dwelling unit*;
- (d) a minimum of 1.2 *parking spaces* per *dwelling unit* containing three or more *bedrooms*;
- (e) a minimum of 0.06 *parking spaces* per *dwelling unit* shall be provided for visitors;

Non-Residential:

- (f) a minimum of 1.0 *parking space* per 100 square metres of *non-residential gross floor area* shall be provided for a grocery store on the *lot* up to a maximum of 100 *parking spaces* and, notwithstanding subsection (h) below, such *parking spaces* may be reserved for the exclusive use of the grocery store from time to time;
- (g) a minimum of 1.0 *parking space* per 100 square metres of *non-residential gross floor area* for all other non-residential uses on the *lot*;

Shared Parking:

- (h) the total number of *parking spaces* required to be provided under (e), (f) and (g) above may be provided for the shared use of residential visitors and non-residential uses on the *lot* and all such *parking spaces* may be provided within a *commercial parking garage*; and
 - (i) a maximum of 250 *parking spaces* may be located in the *commercial parking garage*;
- (13) The provision and use of *tandem parking spaces* is permitted as an *accessory* use on the *lot*, but for clarity, *tandem parking spaces* may not be used to satisfy the parking requirements outlined in Section 1(12) of this By-law;
- (14) *Bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:

Residential:

- (a) a minimum of 0.8 *bicycle parking spaces* per *dwelling unit* for occupants;

- (b) a minimum of 0.2 *bicycle parking spaces* per *dwelling unit* for visitors and such *bicycle parking spaces* shall be located either at finished ground level or within the P1 parking level;

Non-Residential:

- (c) a minimum of 0.2 *bicycle parking space* per 100 square metres of *non-residential gross floor area* for occupants; and
 - (d) a minimum of 0.3 *bicycle parking spaces* per 100 square metres of *non-residential gross floor area* for visitors; and
- (15) A minimum of four loading spaces shall be provided on the *lot* consisting of one *loading space-type G* and three *loading space-type B*.

2. Pursuant to Section 37 of the Planning Act, and subject to compliance with the provisions of this By-law, the increase in height of the development on the *lot* beyond that otherwise permitted in By-law No. 438-86, as amended, is permitted in return for the provision by the *owner* to the City of the following facilities, services and matters at the *owner's* sole expense:

- (1) Prior to issuance of the first above grade building permit for the proposed development on the *lot*, the *owner* shall:
 - (a) provide the City with a cash payment by way of certified cheque payable to the Treasurer, City of Toronto, in the amount of \$1,800,000.00 to be applied at the discretion of the City as determined by the Chief Planner and Executive Officer, in consultation with the Ward Councillor, as follows:
 - i. \$180,000.00 for capital improvements to Toronto Community Housing Corporation properties located in Ward 20; and
 - ii. \$1,620,000.00 for parkland, streetscape improvements and community facilities within the King - Spadina Secondary Plan area;

such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment; and
 - (b) provide the City with a letter of credit in an amount and form satisfactory to the Chief Planner and Executive Director to secure the design, construction and installation of a design feature integrated into the southwest corner of the building on the *lot* (intersection of Bathurst Street and Front Street); and
- (2) the *owner* shall enter into one or more agreements with the City pursuant to Section 37 of the Planning Act which are registered on title to the *lot* to the satisfaction of the City Solicitor to secure:
 - (a) the matters provided for in Section 2(1)(a) and (b) above;

- (b) the provision and maintenance by the *owner* of the following:
 - i. development in accordance with the Tier 1 performance measures of the Toronto Green Standard, as set out in Item PG 32.3 of the Planning and Growth Management Committee adopted by Toronto City Council at its meeting held on October 26 and 27, 2009;
 - ii. provision of at least 10% of the total number of dwelling units constructed on the *lot* that contain three or more bedroom units in compliance with the provisions of the Ontario Building Code; and
 - iii. design, construction and installation of a design feature integrated into the southwest corner of the building on the *lot* (intersection of Bathurst Street and Front Street) satisfactory to the Chief Planner and Executive Director, in consultation with the Ward Councillor and as shown on plans and drawings approved pursuant to Section 114 of the City of Toronto Act, 2006, as amended and, as applicable, Section 41 of the Planning Act, as amended;
 - (c) the provision by the *owner* of the following to facilitate the development:
 - i. design and construction of proposed development on the *lot* substantially in conformity with the architectural design identified on elevation plans on file with the Chief Planner and Executive Director, prepared by Wallman Architects Inc. dated April 25, 2012 and stamp dated April 27, 2012 by City Planning, to the satisfaction of the Chief Planner and Executive Director, the details of which, including the exterior materials, will be refined on approved plans and drawings in the context of site plan approval pursuant to Section 114, of the City of Toronto Act, 2006, as amended and, as applicable, Section 41 of the Planning Act, as amended, and secured in a Site Plan Agreement with the City; and
 - ii. design, construction and installation of improvements identified as being required in a Transportation Study which is submitted for the proposed development and accepted by the City, including signage, pavement markings, traffic signal modifications and others, but not the provisions of new signalized intersections, all to the satisfaction of the Executive Director of Technical Services and, prior to issuance of the first above-grade building permit, submission of a letter of credit in an amount and form satisfactory to the Executive Director, Technical Services to secure any improvements identified as being required in the accepted Transportation Study for the proposed development.
3. None of the provisions of this By-law or By-law No. 438-86, as amended, as of the date of the passing of this By-law, shall apply to prevent a *sales office* on the *lot*.

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. Definitions:

For the purposes of this By-law, each word or expression that is italicized in this By-law shall have the same meaning as each such word or expression as defined in the said By-law No. 438-86, as amended, except for the following:

- (1) "*bicycle parking space*" means an area that is equipped with a bicycle rack, stacker or locker for the purpose of parking and securing bicycles, and
 - (a) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and vertical dimension of at least 1.9 metres;
 - (b) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 0.9 metres and a vertical dimension of at least 1.9 metres; and
 - (c) notwithstanding (a) and (b) above, where the bicycles are to be parked in a stacker, being a device that allows parking spaces to be positioned above or below one another with the aid of an elevating mechanism, the parking space within the stacker shall have a length of at least 1.6 metres and the stacker shall be located in an area with a vertical dimension of at least 2.5 metres;
- (2) "*grade*" means 84.78 metres Canadian Geodetic Datum;
- (3) "*non-residential gross floor area*" has the same meaning as provided in By-law No. 438-86, as amended, with the exception that the floor area occupied by a *commercial parking garage* and uses *accessory* thereto shall be excluded from the calculation of *non-residential gross floor area*, provided that the *parking spaces* within the *commercial parking garage* are located below the first *storey* of the building;
- (4) "*owner*" shall mean the registered owner of the *lot* in fee simple;
- (5) "*parking space*" means:
 - (a) an unimpeded area that has dimensions not less than those prescribed by subsection 4(17) of By-law 438-86, as amended, Minimum Parking Space Dimensions; and
 - (b) a parking space within a *parking stacker*;
- (6) "*sales office*" means a building or structure for the purpose of marketing and sales related to use(s) permitted on the *lot*;

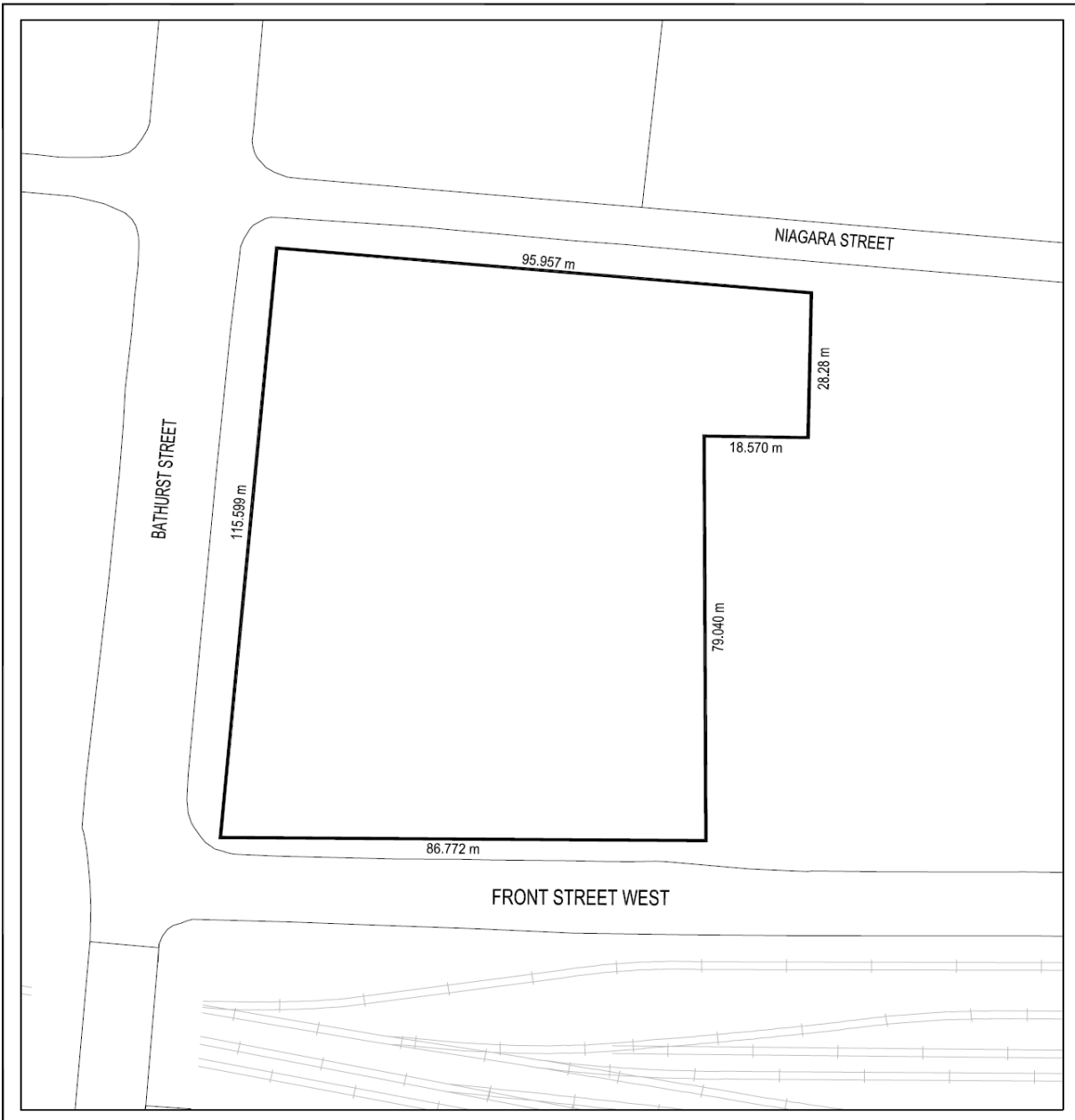
- (7) "*storey*" means a level of the building or structure located between a floor and a ceiling or roof immediately above, excluding those areas of the building labelled as mechanical penthouse on Map 2, and the first *storey* shall be the first level of the building which contains the main entrance to the residential portion of the building. For clarity, a *storey* does not include levels of the building occupied by an underground garage; and
- (8) "*tandem parking space*" means an area having a minimum length of 5.6 metres, a minimum width of 2.6 metres and a minimum vertical clearance of 2.0 metres that is accessible for the parking and removal of a motor vehicle with the necessity of moving another motor vehicle.
6. 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:
- (1) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this 13th day of July, A.D. 2012.

FRANCES NUNZIATA,
Speaker

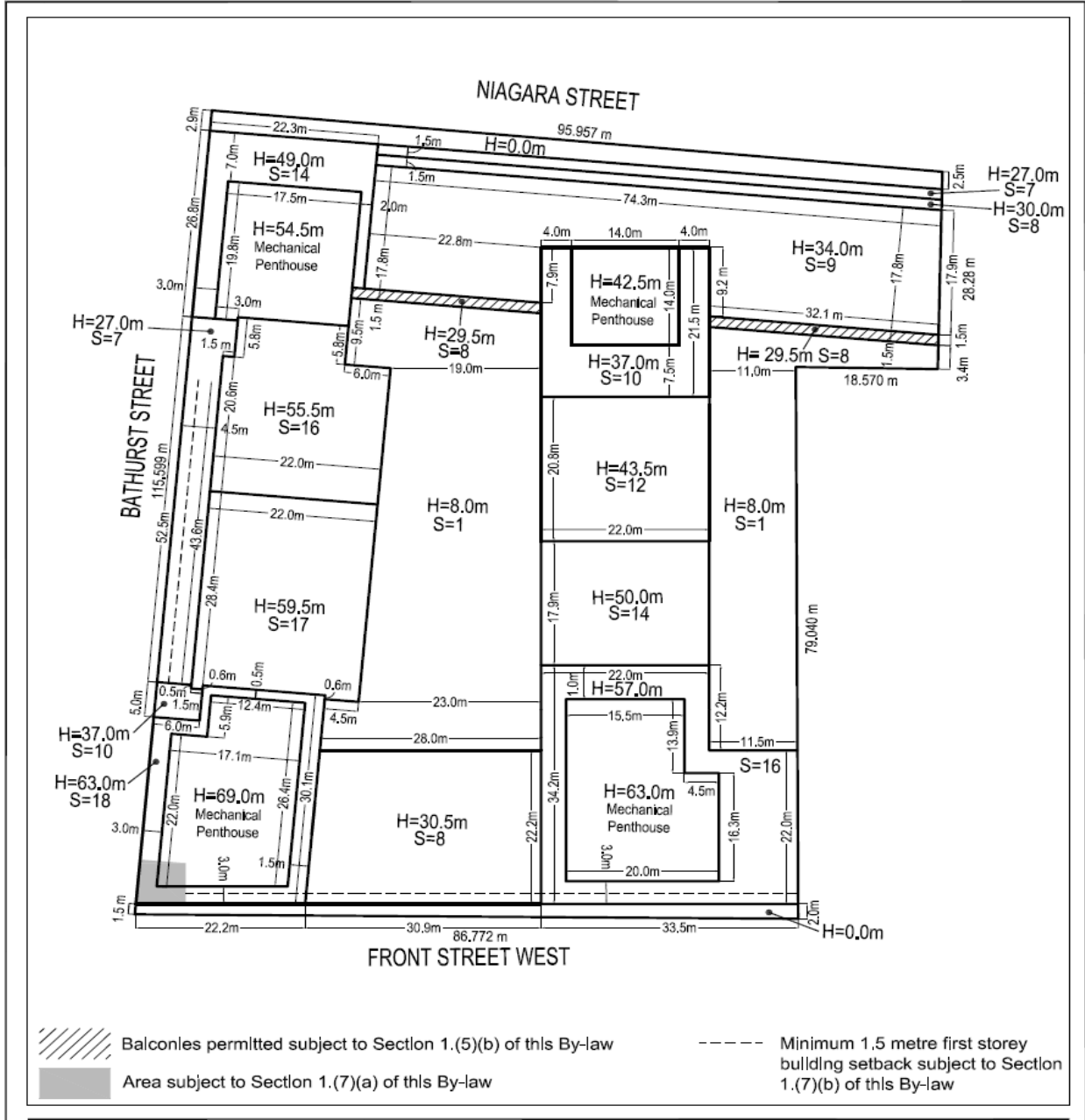
ULLI S. WATKISS,
City Clerk

(Corporate Seal)



Map 1
25-27 Bathurst Street, 576-580 Front Street West
and 33, 35, and 49 Niagara Street
City of Toronto





Map 2

**25-27 Bathurst Street, 576-580 Front Street West
and 33, 35, and 49 Niagara Street**

City of Toronto

