

Authority: Minutes S8.1 (Former City of Toronto), February 14, 1997
Intended for first presentation to Council: Not applicable
Adopted by Council: Not applicable

CITY OF TORONTO

BY-LAW No. 273-1998 (OMB)

To amend By-laws Nos. 438-86 and 515-76 as amended respecting certain lands bounded by Front Street East, Lower Jarvis Street, The Esplanade and George Street South.

WHEREAS the owner has appealed to the Ontario Municipal Board for an Order amending By-law No. 513-90 of the Corporation of the City of Toronto and

WHEREAS the Order is the result of a settlement of a referral and appeals by the owner to the Ontario Municipal Board. The City consented to the Order on the basis that the owner has agreed to construct and maintain public parking and provide for a pedestrian bridge over Jarvis Street to connect the public parking to the St. Lawrence Market which lies immediately to the west and north of the lands affected by this amendment all for the purpose of supporting and assisting the Market in accordance with the terms of an agreement under Section 37 of the Planning Act. In return for the provision of such parking and the bridge, the City has agreed to permit the total residential gross floor area and non-residential gross floor area and the number of units set out in this By-law; and

WHEREAS the Board having held a hearing on the matter and having heard the consent of the City has made an Order amending the General Zoning By-law, as amended; and

WHEREAS this By-law is approved in implementation of an amendment to Section 6.11 of Section 19.5 of the Part I Official Plan, Section 19.5 being the Part II Official Plan for St. Lawrence; and

WHEREAS pursuant to Section 37 of the Planning Act, increases in height or density of development beyond those otherwise permitted by the General Zoning By-law, as amended may 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 enables a municipality to require the owner of land to enter into one or more agreements with the municipality dealing with the facilities, services or matters to be secured in return for an increase in height or density and

WHEREAS the owner of the lands hereinafter referred to has applied for amendments to the City's Official Plan and amendments to the General Zoning By-law, as amended to permit a change in use and to permit increases in the density for such lands beyond the density otherwise permitted by the City's Official Plan and General Zoning By-law, as amended; and

WHEREAS By-law No. 273-1998 (OMB) contains provisions relating to the authorization of changes in use and increases in density for such lands; and

WHEREAS Council of the City at its meeting of June 23 and 24, 1997 (Clause 55, Executive Committee Report No. 17) designated 205 *public parking spaces* as a municipal capital facility under section 210.1 of the Municipal Act;

NOW THEREFORE pursuant to Order of the Ontario Municipal Board issued May 1, 1998, and amending Order issued May 5, 1998, Board File No. Z960043, By-laws Nos. 438-86 and 515-76 as amended of the City of Toronto are amended as follows:

1. None of the following provisions, including the provisions respecting the definitions of “*mixed-use building*”, “*community health centre*”, “*community services and facilities*”, “*non-residential gross floor area*”, “*grade*”, “*height*”, “*parking garage*” and “*parking space*”, contained in Section 2(1), and of Sections 4(2)(a)(i) A and B, 4(5)(a) and (b), 4(8), 4(12), 4(13), 4(16), 8(3) Part I, 12(2) 132, 12(2) 260 and 12(2) 270 of By-law No. 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 of buildings and structures in various areas of the City of Toronto”, as amended and none of the provisions of Sections 13, 15, 23, 24, 25 and 26 of By-law No. 515-76, being a “By-law to amend By-law No. 20623 to regulate certain lands within the St. Lawrence neighbourhood” shall apply to the phased erection and use on the *lot* of a *mixed-use building* consisting of *social housing*, dwelling units and non-residential uses including a pedestrian bridge and related facilities and at least the *community health centre* or *community services and facilities* or a combination thereof, *Stage 1 Parking Garage* and *public parking spaces* provided:

(1) the *lot* consists of the lands shown outlined by heavy lines on Plan 1 attached to and forming part of this by-law and the lands identified as the Area I, Area IIa, Area IIb and Area IIc on Plan 1 together comprise one *lot* and:

(a) even though the lands identified as the Area I, Area IIa, Area IIb and Area IIc on Plan 1 together comprise one *lot*, *parking spaces* required for *dwelling units* erected and used within an Area shall be erected and used at all times wholly within that Area except:

I. Area IIb may be used to provide:

(A) Temporary access to and egress from the *parking spaces* (including any *public parking spaces*) under the lands identified as Areas I, IIa and IIc on Plan 1 until the building to be erected on the lands identified as Area IIc on Plan 1 has been erected provided that access from and egress to George Street for the *public parking spaces* shall be restricted to right-in and left-out movements; and

(B) access to and egress from the *parking spaces* under the lands identified as Area IIc on Plan 1;

- II. Area IIc may be used to provide access to and egress from the *parking spaces* (including any *public parking spaces*) under the lands identified as Areas I and IIa on Plan 1;
 - III. the lands identified as Area IIa on Plan 1 shall be used to provide at least 45 *public parking spaces* provided such spaces are on the same parking levels as the *public parking spaces* provided under the lands identified as Area IIc on Plan 1;
 - IV. up to twenty (20) *parking spaces* assigned to *residential* uses within Area IIb may be located in the *parking garage* within Area IIc on Plan 1 provided such spaces are located only on the lowest level of the underground *parking garage* and provided further the required number of *public parking spaces* is not thereby reduced; and
 - V. the required *parking spaces* hereunder for the buildings erected on Areas I and IIa may be temporarily suspended or relocated during construction on Area IIb or Area IIc in accordance the provisions of any agreement under section 41 of the *Planning Act*.
- (2) the facilities, services and matters hereinafter described are erected and maintained at the times and in the manner required in any agreement under Section 37 of the Planning Act and any agreement under Section 210.1 of the Municipal Act including:
- (a) at least 205 *public parking spaces* in a *parking garage* on the *lot*;
 - (b) subject to obtaining any necessary approvals, a pedestrian bridge over Jarvis Street connecting the *public parking spaces* on the *lot* to the south St. Lawrence Market building; and
 - (c) various collateral matters.
- (3) no part of any building above *grade*, except for the pedestrian bridge and related facilities and any unenclosed balconies protruding not more than 1.5 meters from the main wall of the building, is located otherwise than wholly within the area outlined by heavy lines on Plan 2 attached to and forming part of this by-law;
- (4) the *height* of any building or structure, except for the pedestrian bridge and related facilities, erected or used on the *lot* does not exceed the *height* above *grade* shown on the attached Plan 2;
- (5) the amount of combined *residential gross floor area* and *non-residential gross floor area* erected and used does not exceed 53 600 square metres

excluding the minimum amount of *personal, shared and residential amenity space*, required by this By-law and which is above grade;

- (6) the number of *dwelling units* erected and used does not exceed 640 *dwelling units* of which at least 100 are erected and used for no other purpose than *social housing* purposes;
- (7) the amount of *non-residential gross floor area* erected and used does not exceed 3 000 square metres of which at least 600 square metres are erected and used for no other purpose than for either a *community health centre* or *community services and facilities* or a combination thereof;
- (8) the total number of *parking spaces* erected and used is not less than 605 of which at least 205 shall be *public parking spaces* pursuant to Section 1(2) that are wholly within the uppermost two levels in a *parking garage* on the *lot* beneath that area shown on Plan 1 as Area IIa and Area IIc provided:
 - (1) no more than 53 of such *public parking spaces* may also be used by visitors to the residential uses and non-residential uses in respect of any building erected on the lands described as Area IIb and Area IIc on Plan 1 provided further the 53 such *public parking spaces* are provided on the same parking levels and are connected to all of the other *public parking spaces* required by this By-law such that the minimum 205 *public parking spaces* required by this By-law function as a single unit; and
- (9) provided further:
 - (1) on the lands identified as Area I on Plan 1 not more than 9 900 square metres of *residential gross floor area* and *non-residential gross floor area* is erected or used and:
 - (A) not more than 8 800 square metres of *residential gross floor area* is erected or used comprising not more than 103 *dwelling units*;
 - (B) not more than 1 100 square metres of *non-residential gross floor area* is erected or used of which not less than 620 square metres is erected or used for no other purpose than for either a *community health centre* or *community services and facilities* or a combination thereof;
 - (C) not less than 58 *parking spaces* shall be erected and used of which not less than 55 shall be assigned to *dwelling units* and not less than 3 shall be assigned to non-residential uses;
 - (D) not less than 1 150 square metres of *shared recreation space* is provided and maintained;

- (E) not less than 700 square metres of *personal recreation space* is provided and maintained; and
 - (F) at least one (1) *loading space - Type B* is provided and maintained;
- (2) on the lands identified as Area IIa on Plan 1 not more than 12 900 square metres of *residential gross floor area* and *non-residential gross floor area* is erected or used and:
- (A) not more than 12 725 square metres of *residential gross floor area* is erected or used comprising not more than 161 *dwelling units*;
 - (B) not more than 185 square metres of *non-residential gross floor area* is erected or used;
 - (C) not less than 126 *parking spaces* shall be erected and used of which not less than 81 shall be assigned to *dwelling units* and not less than 45 shall be used for *public parking spaces*;
 - (D) not less than 1 350 square metres of *shared recreation space* is provided and maintained;
 - (E) not less than 660 square metres of *personal recreation space* is provided and maintained; and
 - (F) at least one (1) *loading space - Type B* is provided and maintained;
- (3) on the lands identified as Area IIb on Plan 1 not more than 16 025 square metres of *residential gross floor area* and *non-residential gross floor area* is erected or used and:
- (A) not more than 15 000 square metres of *residential gross floor area* is erected or used comprising not more than 186 *dwelling units*;
 - (B) not more than 1 025 square metres of *non-residential gross floor area* is erected or used;
 - (C) not less than 140 *parking spaces* shall be erected, used and assigned to *dwelling units* provided notwithstanding the definition of *parking space*, that up to eighteen (18) such *parking spaces* may have a length of not less than 4.6 metres and up to five (5) such *parking spaces* may not be readily accessible at all times without the necessity of moving another motor vehicle; and

- (D) not less than 150 square metres of indoor *residential amenity space* and 220 square metres of outdoor *residential amenity space* are provided and maintained; and
- (4) on the lands identified as Area IIc on Plan 1 not more than 15 200 square metres of *residential gross floor area* and *non-residential gross floor area* is erected or used and:
 - (A) not more than 15 200 square metres of *residential gross floor area* is erected or used comprising not more than 194 *dwelling units*;
 - (B) not more than 1 200 square metres of *non-residential gross floor area* is erected or used; and
 - (C) not less than 160 *public parking spaces* shall be erected and used and the minimum number of *parking spaces* assigned to *dwelling units* shall be erected and used in accordance with the following formula:

0.3 *parking spaces* for each bachelor *dwelling unit*

0.7 *parking spaces* for each one bedroom *dwelling unit*

1.0 *parking spaces* for each two bedroom *dwelling unit*

1.2 *parking spaces* for each three or more bedroom *dwelling unit*

provided the maximum number of *parking spaces* assigned to *dwelling units* shall not be greater than 194 and further provided notwithstanding the definition of *parking space* that up to ten (10) *parking spaces* assigned to *dwelling units* may have a length of not less than 4.6 metres and up to eleven (11) such *parking spaces* may not be readily accessible at all times without the necessity of moving another motor vehicle;

- (D) if the total number of *public parking spaces* authorized by council in an agreement under Section 210.1 of the Municipal Act or any successor legislation is greater than 172, then the number of *parking spaces* produced by the formula in section 1(9)(4)(C) of this by-law and assigned to *dwelling units* that are erected and used under the lands identified as Area IIc on Plan 1 may be reduced by one (1) *residential parking space* for each *public parking space* so authorized in excess of 172 provided the total number of *parking spaces* erected and used on the lands identified as Area I, Area IIa, Area IIb and Area

IIc on Plan 1 are not less than the minimum total number of *parking spaces* required in section 1(8) of this by-law;

(E) *residential amenity space* shall be provided in accordance with the following minimums:

(I) 75 square meters of indoor *residential amenity space*; and

(II) 150 square meters of outdoor *residential amenity space* of which at least 30 square meters of outdoor *residential amenity space* is contiguous to the indoor *residential amenity space*;

(F) at least 1 *loading space - Type B* is provided and maintained for the shared use of any buildings or structures erected on the lands identified as Area IIb and Area IIc on Plan 1; and 1 *loading space - Type G* are provided and maintained for the shared use of any buildings or structures erected on the lands identified as Area I, Area IIa, Area IIb and Area IIc on Plan 1;

(10) the owner of the Areas IIb and IIc on Plan 1 enters into an agreement with the City pursuant to Section 37 of the Planning Act to secure the facilities, services and matters referred to in section 1(2) herein, and consents to such agreement being registered on title to such Areas as a first charge against such lands;

(11) an agreement is entered into under Section 37 of the *Planning Act* specifying that:

(1) prior to the issuance of a building permit for the above *grade* portion of any building or structure to be erected on the lands identified as Area IIb on Plan 1, the erection of the *Stage 1 Parking Garage* has been commenced by the start of the installation of the foundation thereof;

(2) prior to the occupancy or use of any *residential gross floor area* on the lands identified as Area IIb on Plan 1, the erection of the *Stage 1 Parking Garage* has been substantially completed and is in use except nothing herein shall prevent the use of any such *residential gross floor area* for up to six (6) model suites used only for sales purposes;

(3) prior to the issuance of a building permit for any building or structure (except the *Stage 1 Parking Garage*) to be erected on the lands identified as Area IIc on Plan 1, plans for building permit purposes are provided and approved by the City depicting the balance of the

required *public parking spaces* in the location and having the layout required by this By-law as part of the erection and use of any building or structure on the lands identified as Area IIc on Plan 1; and

- (4) prior to the occupancy or use of any *residential gross floor area* on the lands identified as Area IIc on Plan 1, all required *public parking spaces* and, subject to the conditions in an agreement under Section 37 of the *Planning Act*, the pedestrian bridge have been erected and are in use provided nothing herein shall prevent the use of any such *residential gross floor area* for up to six (6) model suites used only for sales purposes; and
- (12) the requirements in this by-law to provide *public parking spaces* (including the *Stage 1 Parking Garage*) shall be subject to the provisions for financial assistance by the City under any agreement under Section 37 of the *Planning Act* and any agreement under Section 210.1 of the *Municipal Act*.

2. For the purpose of this by-law:

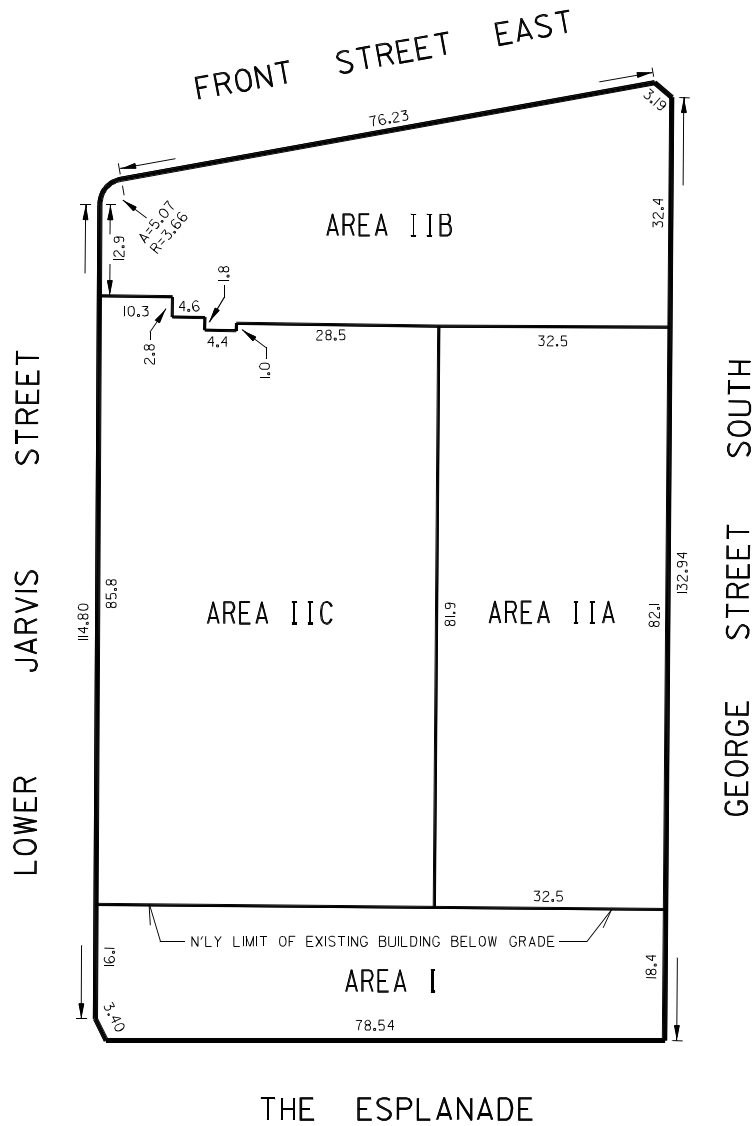
- (1) the expressions “*mixed-use building*”, “*community health centre*”, “*community services and facilities*”, “*personal recreation space*” and “*shared recreation space*” contained in By-law No. 515-76 shall apply to such word and expressions where used in this by-law;
- (2) the word “*lot*” and the expressions “*residential amenity space*”, “*residential gross floor area*”, “*dwelling unit*”, “*loading space - Type B*”, and “*loading space - Type G*” contained in By-law No. 438-86 shall apply to such words and expressions where used in this by-law;
- (3) the definition of the expression “*non-residential gross floor area*” in By-law 438-86 shall apply to such expression where it is used in this By-law except that the area erected and used for *public parking spaces* and associated driveways shall also be excluded from the calculation of *non-residential gross floor area*;
- (4) “*grade*” shall be defined as Canadian Geodetic Datum elevations shown on Plan 2 attached;
- (5) “*height*” means the levels above *grade* for each area shown outlined on Plan 2 attached provided there is excluded from the calculation of *height* rooftop stair towers, stair enclosures, chimney stacks, elevator and mechanical penthouses, fence, cornices and parapet walls, railings, trees, planters, benches, fences, light standards and walls and provided further:
 - (1) any elevator penthouse does not exceed 10.0 meters above the *height* limits on Plan 2;

- (2) all other elements listed above do not exceed 7.0 meters above the *height* limits shown on Plan 2; and
- (3) elevator and mechanical penthouses, in combination, do not cover more than 40 per cent of the area of the roof.
- (6) “*parking garage*” means a building or a part of a building other than a *private garage* that is used for the temporary parking of motor vehicles;
- (7) “*parking space*” means an unobstructed area, at least 5.9 metres in length and at least 2.6 metres in width, that is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle;
- (8) “*public parking spaces*” means *parking spaces* provided within a *parking garage* where such spaces are available and readily accessible to the general public including patrons of the South St. Lawrence Market at all times during which the South St. Lawrence Market is open for business and provided no such space is sold or leased or assigned to an owner or occupant of any *dwelling unit* on the *lot*;
- (9) “*social housing*” means housing provided pursuant to a “social housing program” as defined in the *City of Toronto Act*, 1988 (No. 2);
- (10) “*Stage 1 Parking Garage*” means at least 97 *public parking spaces* contained within the uppermost two levels of an underground *parking garage* erected and used beneath that part of the *lot* shown on Plan 3 as “Stage 1 Garage” provided:
 - (A) at least 52 of such *public parking spaces* are erected and used in that part of the underground *parking garage* beneath the lands identified as Area IIc on Plan 1;
 - (B) at least 45 such *public parking spaces* are erected and used in that part of the underground *parking garage* beneath the lands identified as Area IIa on Plan 1; and
 - (C) all 97 of such *public parking spaces* are connected and function as one unit; and
 - (D) nothing herein shall be interpreted to prevent more than 97 *parking spaces* being erected and/or used in the *Stage 1 Parking Garage* provided there are at least 97 *public parking spaces* erected and used on the uppermost two levels of the *Stage 1 Parking Garage*.

3. By-law 513-90 is hereby repealed.

PURSUANT TO THE ONTARIO MUNICIPAL BOARD ORDER DATED ISSUED MAY 1, 1998
AND AMENDING ORDER ISSUED MAY 5, 1998.

PLAN 1

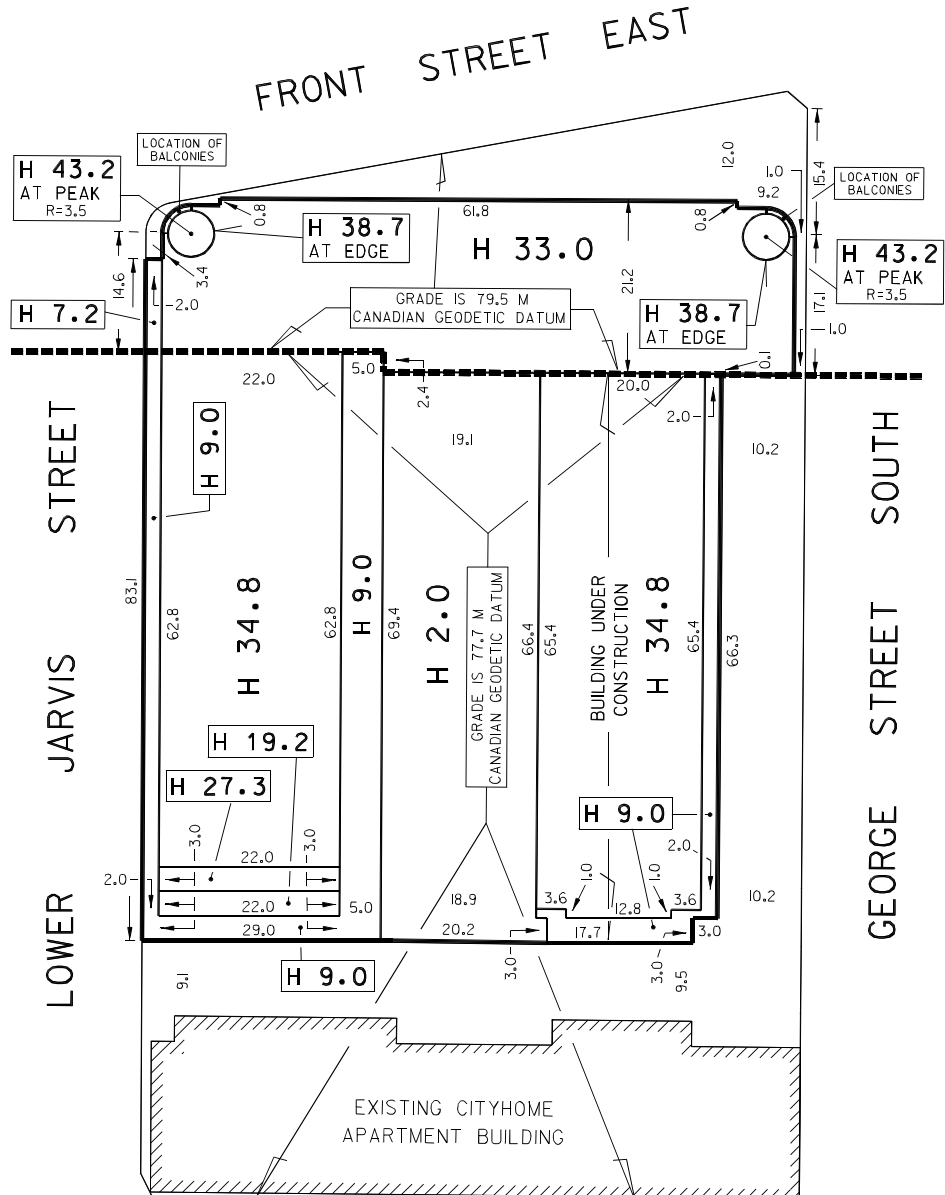


 LANDS REFERRED TO AS THE "LOT"
(PARTS 1 AND 2, PLAN 66R-989I)



CITY WORKS SERVICES
SURVEY AND MAPPING BRANCH
TORONTO DECEMBER, 1997
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PLAN 2



THE ESPLANADE

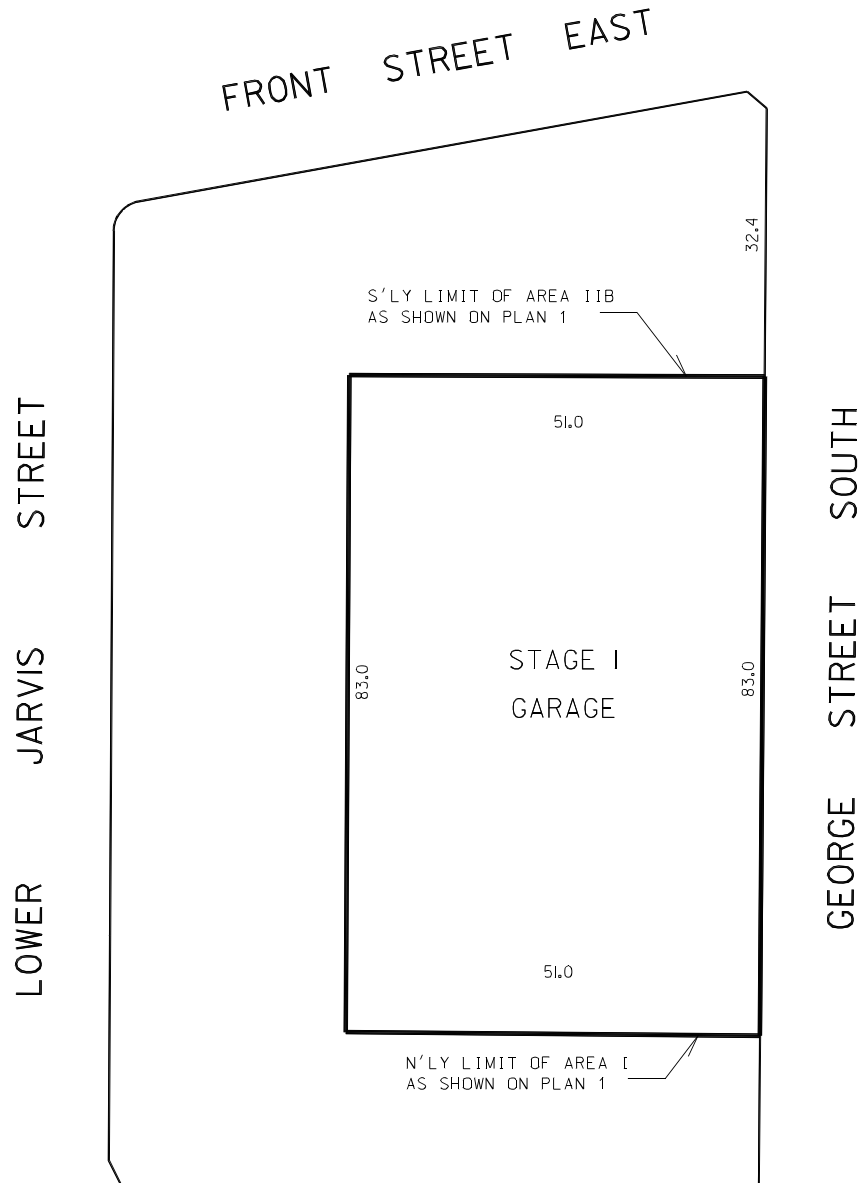
H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE

----- PHASE 2B GOES OVER THIS LINE



CITY WORKS SERVICES
SURVEY AND MAPPING BRANCH
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PLAN 3



THE ESPLANADE



CITY WORKS SERVICES
 SURVEY AND MAPPING BRANCH
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