

Authority: Toronto and East York Community Council Report 4, Clause 8, adopted as amended,
by City of Toronto Council on May 23, 24 and 25, 2006
Enacted by Council: May 25, 2006

CITY OF TORONTO

BY-LAW No. 469-2006

**To amend the General Zoning By-law No. 438-86 of the former City of Toronto with
respect to lands municipally known as 180-188 University Avenue and 192 and
194 Adelaide Street West.**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS pursuant to Section 37 of the *Planning Act* the Council of a municipality may in a By-law passed pursuant to Section 34 of the *Planning Act*, authorize increases in height or density of development beyond those otherwise permitted by the By-law in return for the provision of such facilities, services and 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 or matters in return for an increase in height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality in respect of the facilities, services or matters; 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 owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increases in density and height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (the "City"); and

WHEREAS the Council of the City 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 and density permitted in this By-law;

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

1. None of the provisions of By-law No. 13409, as amended, By-law No. 287-90 and of Section 2 with respect to the definitions of the terms *lot*, *grade*, *height*, *hotel*, *residential gross floor area* and *non-residential gross floor area*, Sections 4(2)(a), 4(5), 4(8)(b), 4(12), 8(3)PART I 1, 8(3)PART I 3(a), 8(3)PART III 1(a), 8(3)PART XI 2; 12(2)234 and 12(2)276 of 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

building containing a *hotel*, residential and/or non-residential uses and *accessory* uses thereto, including a *parking garage* on the *lot* provided:

- (a) the *lot* consists of the lands delineated by heavy lines on the attached Map 1;
- (b) the maximum combined *non-residential gross floor area* and *residential gross floor area* of all buildings or structures erected within the *lot* shall not exceed 81,150 square metres, of which the maximum *residential gross floor area* shall not exceed 60,400 square metres and the maximum *non-residential gross floor area* shall not exceed 23,500 square metres provided:
 - (i) the *non-residential gross floor area* shall, in addition to the uses permitted in a CR zone, comprise a *hotel* of at least 15,300 square metres;
- (c) no portion of any building above *grade* on the *lot* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2;
- (d) Section 1(c) hereof does not apply to the type of structure listed in the column entitled “STRUCTURE” in the following chart, provided that the restrictions set out opposite the structure in the columns entitled “MAXIMUM PERMITTED PROJECTION” are complied with:

STRUCTURE	MAXIMUM PERMITTED PROJECTION
parapets	maximum 1.0 metre projection, provided the height of such “STRUCTURE” is not greater than 1.0 metre above the height limits established in Section 1(e) of this By-law
eaves, cornices, ornamental or architectural elements, balustrades, mullions, window sills, bay windows	maximum 1.0 metre projection, provided the height of the “STRUCTURE” is no higher than that portion of the building to which it is attached
fences, safety railings and guardrails	no restriction on the extent of the projection provided the height of such “STRUCTURE” does not exceed 3.0 metres
canopies	maximum 3.0 metre projection, provided the height of the canopy is no higher than that portion of the building to which it is attached
ramps, wheelchair ramps and/or stairs (and associated structures) servicing an underground <i>parking garage</i>	no restriction, provided the height of such “STRUCTURES” does not exceed 2.0 metres above finished ground level
balconies	maximum 1.5 metre projection, provided the balcony is no higher than that portion of the building to which it is attached
stairs, stair enclosures, landings and associated railings	no restriction, provided the height of such “STRUCTURE” does not exceed 3.0 metres
public art features, light standards and landscape features	no restriction in intent of projection or height of “STRUCTURE”

- (e) no person shall erect or use a building or structure on the *lot* having a greater *height* in metres than the *height* limits specified by the numbers following the symbol H on the attached Map 2, except for the following:
 - (i) the structural projections identified in Section 1(d), including structural projections permitted outside of the heavy lines on the attached Map 2, subject to the limitations contained therein;
 - (ii) a canopy within *Area A* provided that no part of such canopy shall exceed a *height* of 12.0 metres and a vertical clearance of 6.0 metres is provided between the canopy and the finished ground level; and
 - (iii) a structure, on the roof of the building, used for outside or open air recreation, architectural, safety or wind protection purposes, provided the maximum height of the structure is no higher than the sum of 5.7 metres and the applicable height limit, provided that no such structure shall exceed a *height* of 214.5 metres;
- (f) notwithstanding Section 1(e) hereof, no person shall erect or use a building or structure within *Area B* and *Area C* unless:
 - (i) a vertical clearance of 6.0 metres is provided between such structure or building and the finished ground level within *Area B*; and
 - (ii) a vertical clearance of 4.2 metres is provided between such structure or building and the finished ground level within *Area C*;
- (g) *parking spaces* for the *dwelling units*, and visitors to the buildings are provided and maintained on the *lot* in accordance with the following:
 - (i) a minimum of 0.3 *parking spaces* per bachelor *dwelling unit*;
 - (ii) a minimum of 0.7 *parking spaces* per one *bedroom dwelling unit*;
 - (iii) a minimum of 1.0 *parking spaces* per two *bedroom dwelling unit*;
 - (iv) a minimum of 1.2 *parking spaces* per three or more *bedroom dwelling unit*; and
 - (v) a minimum of 0.06 *parking spaces* per *dwelling unit* for visitors;
- (h) *parking spaces* for non-residential uses within the building are provided in accordance with the provisions of Section 4(5)(b) of Zoning By-law No. 438-86, as amended, provided that none of the provisions of Zoning By-law No. 438-86, as amended require the minimum number of motor vehicle parking facilities in respect of any use set out in the column of Schedule 1 of Section 4(5) of Zoning By-law No. 438-86, as amended, entitled "Type of Use" commencing with a *retail store* to and including an *undertaker's establishment* if the use is in a building having a

non-residential gross floor area, exclusive of *hotel* uses, not exceeding 1.0 times the area of the *lot*;

- (i) at least one *loading space – type “G”* and two *loading spaces – type “B”* are provided and maintained on the *lot*;
- (j) no less than 208 square metres of *common outdoor space* is provided and maintained on the *lot*;
- (k) *indoor amenity space* shall be provided and maintained within the building at a rate of 3 square metres per *dwelling unit*;
- (l) *outdoor amenity space* shall be provided and maintained on the *lot* at a rate of 1.5 square metres per *dwelling unit*;
- (m) the owner of the *lot*, at its expense, provides and maintains the following facilities, services and matters, subject to and in accordance with the agreement pursuant to Section 37 of the *Planning Act* required in paragraph (n) herein,
 - (i) prior to the introduction of Bills in Council, the owner shall amend the Heritage Easement Agreement with the City for the retained and reconstructed portion of 180 University Avenue (Bishop’s Block);
 - (ii) prior to the issuance of Site Plan Approval for the subject property, the owner shall provide a Conservation Plan for the reconstruction and restoration of 180 University Avenue (Bishop’s Block), satisfactory to the Manager of Heritage Preservation Services or her designate;
 - (iii) in accordance with the Conservation Plan, the owner shall restore the heritage façades on Simcoe Street and Adelaide Street West, at a cost of \$1,500,000.00 and in the event of a lesser expenditure, the difference shall be re-directed to the provision of streetscape improvements as described below in Section 1(m) (iv);
 - (iv) the amount of \$400,000 to be used for streetscape improvements to University Avenue, Adelaide Street West, Simcoe Avenue beyond City standards for streetscape improvements as outlined in the City’s Streetscape Manual and satisfactory to the Chief Planner, to be detailed through Site Plan Approval;
 - (v) a contribution of \$500,000.00 for improvements to Grange Park payable to the City of Toronto, \$50,000 of which is payable to the City of Toronto upon the Zoning By-law coming into full force and effect with the balance, as indexed from May 1, 2008, being payable prior to the issuance of an excavation permit for the development;

- (vi) the securing of a contribution of \$50,000 payable to the City of Toronto upon the Zoning By-law coming into full force and effect, for the purposes of a heritage study for University Avenue;
 - (vii) the provision and maintenance of public art works pursuant to a public programme, to be located on publicly accessible portions of the lot, to a value not less than one per cent of the gross construction costs of all buildings and structures to be erected on the *lot*;
 - (viii) the incorporation, in the construction of the building, of exterior materials to be shown on drawings for the podium along University Avenue, Adelaide Street West and Simcoe Street to the satisfaction of the Chief Planner;
 - (ix) the owner agrees to make revisions to the development to address the recommendations of a pedestrian level Wind Study;
 - (x) the owner agrees to make revisions to the development, or submit a Letter of Credit, if required, in accordance with the recommendations of a street lighting assessment;
 - (xi) the owner agrees to provide knock-out panels to accommodate a potential future connection to the PATH system, satisfactory to the Chief Planner, and the General Manager of Economic Development; and to be detailed in an agreement pursuant to Section 41 of the *Planning Act*;
 - (xii) the owner, agrees at their expense, to provide and maintain an irrigation system for any proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the General Manager, Technical Services.
- (n) the owner of the *lot* enters into and registers on title to the *lot* an agreement with the City pursuant to Section 37 of the *Planning Act*, as a first charge to secure the facilities, services and matters set forth in paragraph (m) of this By-law.
2. 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.
3. For the purposes of this By-law:
- (a) “*Area A*”, “*Area B*” and “*Area C*” means Area A, Area B and Area C as shown on Map 3 attached hereto;
 - (b) “*grade*” means 87.52 metres Canadian Geodetic Datum;
 - (c) “*height*” means the vertical distance between *grade* and the highest point of the roof except for those elements prescribed in this By-law;

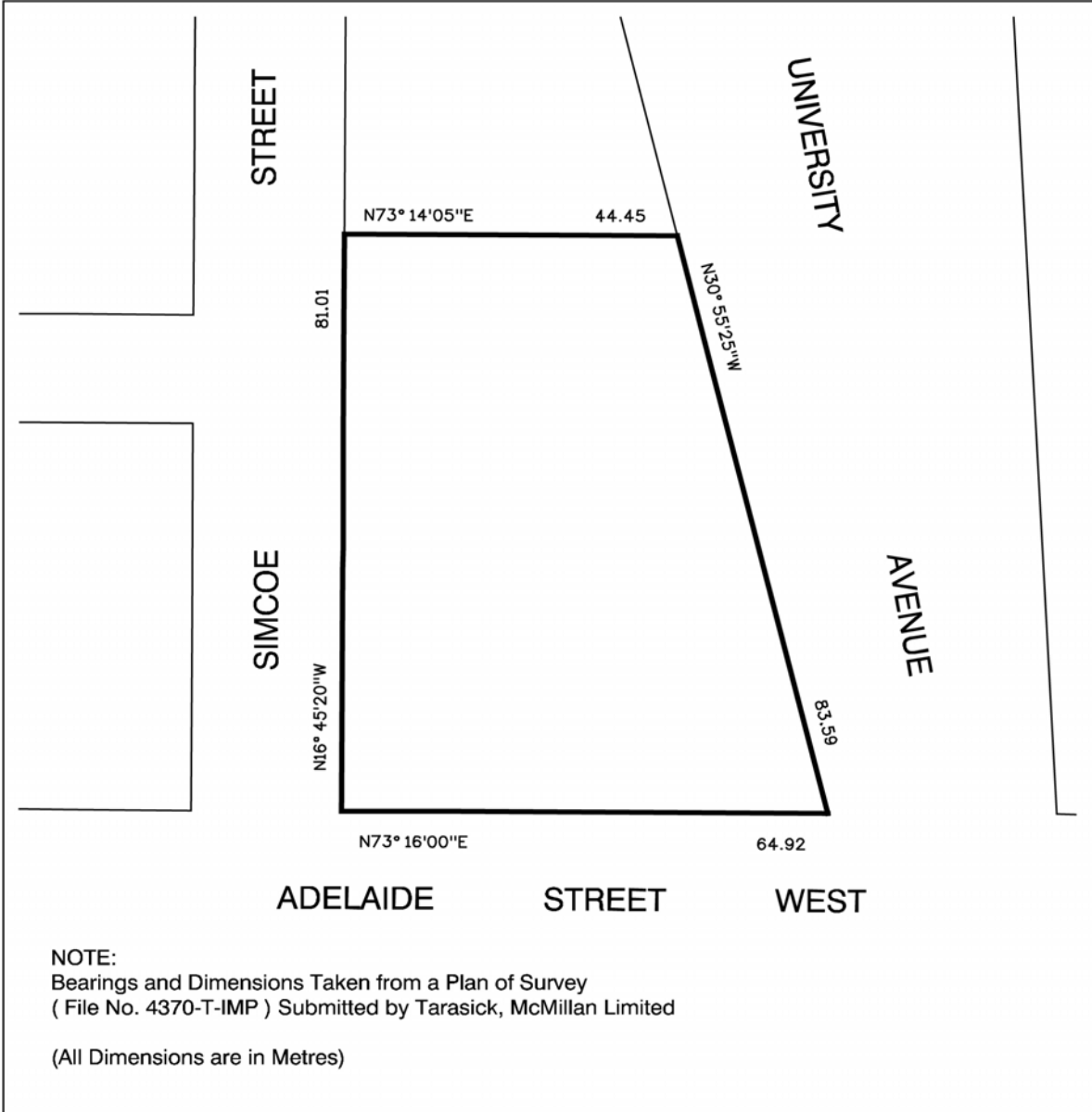
- (d) “*hotel*” means a building or part thereof comprising *non-residential gross floor area* used within the meaning of the *Hotel Registration of Guests Act*, R.S.O. 1990, Chapter H17, but does not include a *hostel*, a *rooming house*, or a *tourist or guest home*, or a mechanical or electronic game machine for gambling purposes, and shall include a lobby and guest registration area, hotel administration offices, guest service facilities, recreational facilities, at least one meeting, conference or ballroom, at least one *restaurant*, valet parking facilities, and other *accessory* uses;
- (e) “*indoor amenity space*” means a common area or areas on the *lot*, a portion of which shall include a facility consisting of no less than 111 square metres that is owned by the residential component of the development, and the balance of which may include, but is not limited to, recreational and/or spa facilities, meeting rooms, ballrooms, group dining facilities and kitchen facilities related thereto to be used by the *hotel* and residents of the *dwelling units* for recreational or social purposes;
- (f) “*lot*” means the lands shown on Map 1 attached hereto;
- (g) “*outdoor amenity space*” means an outdoor common area or areas on the *lot* which are provided for recreational or social purposes;
- (h) “*residential gross floor area*” and “*non-residential gross floor area*” shall have the same meaning as they have for the purpose of By-law No. 438-86 except that *indoor amenity space* required by Section 1(k) of this by-law shall also be excluded;
- (i) all words, terms and phrases appearing in italics shall have the same meaning as they have for the purpose of the aforesaid By-law No. 438-86, except as herein provided.

ENACTED AND PASSED this 25th day of May, A.D. 2006.

DAVID R. MILLER,
Mayor

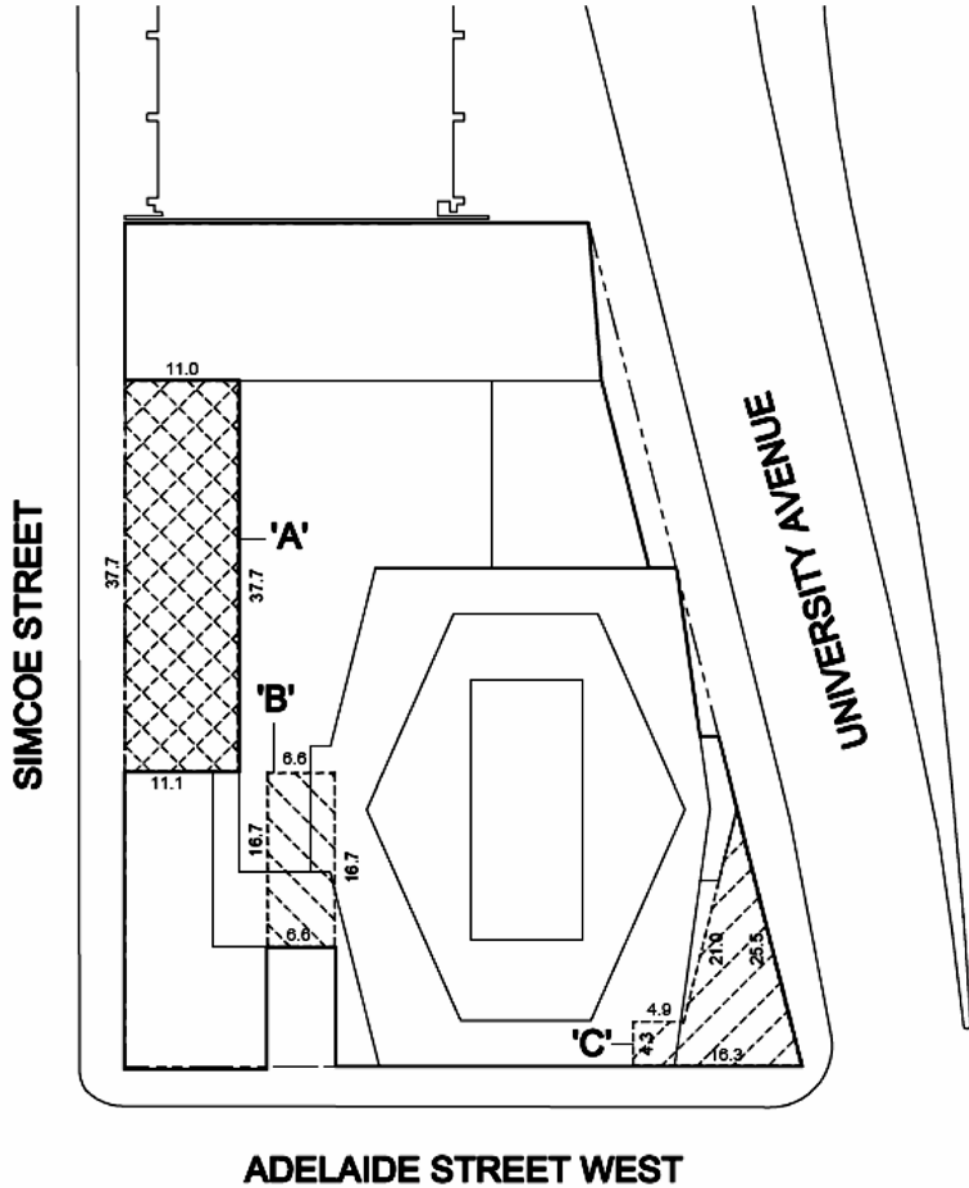
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City Clerk




(Corporate Seal)



NOTE:
 Bearings and Dimensions Taken from a Plan of Survey
 (File No. 4370-T-IMP) Submitted by Tarasick, McMillan Limited

 (All Dimensions are in Metres)



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|---|----------|---|
|  | AREA 'A' | <u>Clear Heights 'below' areas:</u>
'A' = 6 metres
'B' = 6 metres
'C' = 4.2 metres |
|  | AREA 'B' | |
|  | AREA 'C' | |

Map 3

180 University Avenue

Applicant's Submitted Drawing

Not to Scale
05/23/06 

File # 05_152737