

Authority: Toronto and East York Community Council Item TE7.11, as adopted by City of Toronto Council on July 7, 8 and 9, 2015

CITY OF TORONTO

BY-LAW No. 811-2015

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known in the year 2014 as 424-460 Adelaide Street East.

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 37 of the *Planning Act*, 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 matter 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 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 and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is 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 with respect to the definitions of "*grade*", "*height*" and "*lot*", and sections 4(2)(a), 4(12), 4(13)(a) and (c), 7(3) Part II 1(i), 7(3) Part II 1(ii), 12(2)246(a), 12(2)246(c) and 12(2)246(e) 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, and none of the provisions of By-law No. 927-2002, shall apply to prevent the erection and use of a *mixed-use building*, including uses *accessory* thereto and *live-work units* on the *lot* provided that the following provisions are complied with:
 - (1) the lands subject to this By-law include at least those lands comprising the *lot* delineated by heavy lines on Map 1, attached to and forming part of this By-law;

- (2) the combined *residential gross floor area* and *non-residential gross floor area* on the *lot* shall not exceed 36,500 square metres;
- (3) the total *residential gross floor area* on the *lot* shall not exceed 35,650 square metres;
- (4) the total *non-residential gross floor area* on the *lot* shall not exceed 900 square metres;
- (5) the *height* of any portion of a building or structure erected above *grade* on the *lot*, shall not exceed the maximum *height* in metres as shown following the letter "H" on Map 2, attached to and forming part of this By-law, for the corresponding building envelope areas, where indicated on Map 2, with the exception of the following which shall be permitted:
 - (a) railings, parapet, window washing equipment, terrace guards and dividers, planters, lightning rods, exhaust flues, landscape features and decorative screens extending to a maximum vertical projection of 2.0 metres above the height limits shown on Map 2 attached to and forming part of this By-law; and
 - (b) cabanas and trellises extending to a maximum vertical projection of 3.0 metres above the height limits shown on Map 2;
- (6) in addition to the *height* requirements of Subsection 1(5) of this By-law, the maximum number of *storeys* within the building envelope areas shall be as indicated on Map 2, excluding the mechanical penthouse, elevator machine room and stairs;
- (7) no portion of the building or structure erected above *grade* on the *lot* shall be located other than wholly within the building envelopes delineated by heavy lines on Map 2 with the exception of the following where located wholly within the *lot*:
 - (a) cornices, eaves, vents, safety or wind protection, lighting fixtures, ornamental elements, trellises, window sills, planters, balustrades, guard rails, stairs, stair enclosures, wheelchair ramps, railings, landscape and public art features, awnings and canopies, all of which may project beyond the building envelope;
 - (b) balconies shown in shading and narrow hatching on Map 3, attached to and forming part of this By-law, may project up to 1.85 metres beyond the building envelopes delineated by heavy lines on Map 2 within the *storey* levels identified on Map 3; and
 - (c) balconies shown in wide hatching on Map 3, which may project up to 3.0 metres beyond the building envelopes delineated by heavy lines on Map 2 and which may be located at the *storey* level identified on Map 3;

- (8) A minimum of 286 *parking spaces* shall be provided on the *lot*, in accordance with the following:
- (a) *dwelling units*:
- 0.3 *parking space* for each bachelor *dwelling unit*;
0.5 *parking space* for each one-bedroom *dwelling unit*;
0.75 *parking space* for each two or more bedroom *dwelling unit*;
0.06 *parking space* for each *dwelling unit* for visitors; and
- a reduction of 8 residential *parking spaces* calculated pursuant to this subsection 1(8)(a), will be permitted; and
- (b) non-residential uses:
- No *parking spaces* shall be required for non-residential uses on the *lot*;
- (9) a minimum of one *loading space-type G* shall be provided and maintained on the *lot*;
- (10) required *residential amenity space* shall be provided and maintained as follows:
- (a) a minimum of 2.0 square metres of indoor *residential amenity space* per *dwelling unit* shall be provided and maintained on the *lot* in a single or multi-purpose room or rooms at least one of which contains a kitchen and a washroom; and
- (b) a minimum of 1.5 square metres of outdoor *residential amenity space* per *dwelling unit* shall be provided and maintained on the *lot*;
- (11) a minimum of 256 square metres of privately owned publicly accessible open space, one privately owned publicly accessible pedestrian walkway and one privately owned publicly accessible pedestrian sidewalk shall be provided on the *lot* generally in the areas illustrated on Map 2;
- (12) a minimum of 638 *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
- (a) a minimum of 520 *bicycle parking spaces - occupant* shall be provided;
- (b) a minimum of 105 *bicycle parking spaces - visitor* shall be provided; and
- (c) a minimum of 13 *bicycle parking spaces* for non-residential uses shall be provided; and
- (13) a minimum of 46 of the total number of *dwelling units* to be constructed on the *lot* in the *mixed-use building* shall be capable of being designed as 3-bedroom units in compliance with the provisions of the Ontario Building Code.

2. Pursuant to section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the *lot* contemplated herein is permitted in return for the owner's election to provide, at the owner's expense, the facilities, services and matters set out in Schedule "A" hereof which are secured by one or more agreements pursuant to subsection 37(3) of the *Planning Act* that are in a form satisfactory to the City Solicitor and registered on title to the *lot*.
3. 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.
4. 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.
5. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law No. 438-86, as amended, with the exception of the following:
 - (1) "*lot*" means the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - (2) "*grade*" means 82.10 metres Canadian Geodetic Datum;
 - (3) "*height*" means the vertical distance between *grade* and the highest point of the building or structure on the roof except for those elements prescribed in s. 1(5)(a) and (b) of this By-law.
6. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot* and the buildings and structures thereon.
7. None of the provisions of By-law No. 927-2002 shall apply to the *lot* with the exception that the amount of the \$100,000.00 cash contribution referred to in subsection 10(a) of By-law No. 927-2002 is included in the section 37 obligations contained in Clause 1(b) of Schedule "A" of this By-law and shall be the responsibility of the owner of the *lot*.
8. The permissions in By-law No. 927-2002 shall continue to apply to the *Phase 1* and the *Phase 1 Galleria* lands shown on Plan 2A of By-law No. 927-2002 as if *Phase 2*, *Phase 3* and the *Phase 3 Galleria* shown on Plan 2B of By-law No. 927-2002 had been constructed in accordance with By-law No. 927-2002 and further, the residential *parking spaces* provided on the *lot* and as set out in this By-law shall not be applied toward the maximum *parking space* requirements as set out in section 1(6) of By-law No. 927-2002.
9. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law must apply to the whole of the *lot* as if no severance, partition or division occurred.

- 10.** 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 new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (2) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

Enacted and passed on July 9, 2015.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

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 *lot* and secured in an agreement or agreements under subsection 37(3) of the *Planning Act* whereby the owner agrees as follows:

- (1) Prior to issuance of the first above-grade building permit, the owner shall pay to the City a cash contribution in the amount of \$950,000.00 to be allocated as follows:
 - (a) \$500,000.00 towards the redevelopment of the site of Canada's First Parliament Buildings, municipally known as 25 Berkeley Street and 265 and 271 Front Street East, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor;
 - (b) \$300,000.00 towards local streetscape and and/or parkland improvements at the discretion of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor, of which \$100,000.00 is intended to satisfy the corresponding contribution for streetscape improvements as set out in By-law No. 927-2002;
 - (c) \$100,000.00 towards the implementation of the Heritage Interpretation Master Plan for Old Town Toronto and/or the Heritage Lighting Master Plan for Old Town Toronto, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor; and
 - (d) \$50,000.00 towards the redevelopment of the North St. Lawrence Market, at the discretion of the Chief Planner and Executive Director, City Planning Division and the Director, Facilities Design and Construction Facilities Management Division, in consultation with the Ward Councillor;
- (2) The payment amounts identified in Clause (1) of this Schedule "A" shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment;
- (3) In the event that the cash contribution set to in Clause (1) of this Schedule "A" has not been used, in whole or in part, for the intended purposes within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose or purposes, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the *lot*;
- (4) The owner shall provide and maintain the following to the satisfaction of the Chief Planner and Executive Director, City Planning Division with the specific location, configuration and design to be determined and secured in the context of site plan

approval for the *lot* pursuant to section 114 of the *City of Toronto Act, 2006*, as amended and, as applicable, section 41 of the *Planning Act*, as amended:

- (a) a publicly accessible pedestrian walkway on the west portion of the *lot* which shall have a minimum width of 1.5 metres and a minimum height of 4.5 metres and shall provide a direct at-grade connection between Adelaide Street East and the Public Laneway adjacent to the north property line of the *lot* generally in the area identified as "Privately Owned Publicly Accessible Walkway at Ground Level " on Map 2 of this By-law;
 - (b) a publicly accessible pedestrian sidewalk / clearway across private property on those portions of Adelaide Street East abutting the *lot* that do not contain adequate sidewalk widths to accommodate pedestrian activity and/or street trees, generally in the area identified as "Pedestrian Sidewalk Easement for Public Access" on Map 2 of this By-law; and
 - (c) a privately owned publicly accessible open space (POPS) courtyard area as generally in the area identified as "Privately Owned Publicly Accessible Open Space at Ground Level" on Map 2 of this By-law;
- (5) Prior to the earlier of any residential use and registration of the first condominium on the *lot*, the Owner shall have completed construction of the publicly accessible walkway, clearway and courtyard referred to in Clause (4) of this Schedule "A" and shall convey public access easements to the City for nominal consideration, at no cost to the City and free and clear of encumbrances to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, including rights of support as applicable, on such terms and conditions as are set out in the section 37 Agreement, including provision for deposit of reference plans, insurance and indemnification associated with the public access easements;
- (6) In support of the development, the owner shall pay for, design and construct any improvements to the existing municipal infrastructure determined to be necessary as set out in a Functional Servicing Report accepted by the Executive Director Engineering and Construction Services with all works to be completed to the satisfaction of the Executive Director, Engineering and Construction Services prior to the earlier of any residential use and registration of the first condominium on the *lot*;
- (7) prior to issuance of the first building permit for a building on the *lot*, the owner shall provide security for the cost of all works contemplated in Clause (6) of this Schedule "A" to the satisfaction of the Executive Director, Engineering and Construction Services.





