

Authority: Ontario Municipal Board Decision/Order issued on February 26, 2013, June 5, 2014 and August 27, 2014 in Board File PL111300

CITY OF TORONTO

BY-LAW 859-2017(OMB)

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known as 154 Front Street East.

Whereas the owner of the lands known municipally in the year 2016 as 154 Front Street East has appealed a proposed zoning by-law amendment to the Ontario Municipal Board; and

Whereas the Ontario Municipal Board, by its Decision/Order issued on February 26, 2013, June 5, 2014 and August 27, 2014, in Board File PL111300 approved amendments to the former City of Toronto Zoning By-law 438-86, as amended, with respect to those lands; and

Whereas the Official Plan for the City of Toronto contains such 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 lands elects to provide facilities, services or matters, in return for an increase in the height or density of development, the *owner* may be required to enter into one or more agreements with the municipality in respect of 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 438-86, as amended, is permitted in return for the provision of 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;

Therefore pursuant to the Ontario Municipal Board Decision/Order issued on February 26, 2013, June 5, 2014 and August 27, 2014, in Board File PL111300, By-law 438-86, as amended, of the former City of Toronto, is amended as follows:

1. This By-law applies to the lands delineated by a heavy line on Map 1 attached to and forming part of this By-law.
2. Except as otherwise provided herein, the provisions of Zoning By-law 438-86 shall continue to apply to the *lot*.
3. None of the provisions of sections 2(1)(iii) – for "*grade*", "*height*" and "*lot*", 4(1), 4(2)(a)(i), 4(5)(b), 4(8), 4(10)(a), 4(12), 4(13), 7(3) Part II 1(i) and (3), 7(3) Part II 7 B and E, and 12(2) 246(a)(i) and (e) to (i) of By-law 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 or use of a *mixed-use* building on the *lot* provided that:

- (a) not less than ten percent (10 percent) of the total number of *dwelling units* shall be three *bedroom dwelling units* or convertible to three *bedroom dwelling units*;
- (b) the aggregate of the *residential gross floor area* and *non-residential gross floor area* of buildings and structures shall not exceed 37,000 square metres, subject to the following:
 - (i) the *residential gross floor area* of buildings and structures shall not exceed 36,000 square metres; and
 - (ii) the *non-residential gross floor area* of buildings and structures shall not exceed 1,100 square metres;
- (c) no portion of a building or structure erected on the *lot* shall have a greater *height* in metres than the *heights* in metres specified by the numbers following the symbol H on the attached Map 2, inclusive of mechanical penthouse elements, except that:
 - (i) the maximum height for parapets, terrace guards, planters, chimney stack or other heating or ventilation equipment or window washing equipment shall be the sum of 1.8 metres and the applicable height limit shown on Map 2; and
 - (ii) The maximum height of decorative screens, fences and safety railings shall be the sum of 6 metres and the applicable height limit on Map 2;
- (d) no portion of a building or structure erected or used above grade is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2 except that:
 - (i) awnings, lighting fixtures, ornamental elements, trellises, window sills, balustrades, stairs, stair enclosures, wheelchair ramps, underground garage ramps, landscape and art features may extend to a maximum of 1.5 metres beyond the heavy lines shown on Map 2 but not project beyond the *lot* line; and
 - (ii) balconies may extend a maximum of 1.8 metres beyond the heavy lines on Map 2, but not project beyond the *lot* line, as measured perpendicular to the exterior of the north wall of the building;
- (e) no portion of the building shall be permitted within the hatched area on Map 2, but not project beyond the lot line, between *grade* and a *height* of 30 metres;

- (f) a minimum of 202 vehicular *parking spaces* shall be provided and maintained on the site, of which 27 vehicular *parking spaces* are for visitors to the building;
- (g) *bicycle parking spaces* shall be provided in the following minimum standards:
 - (i) 0.8 *bicycle parking spaces* for residents for each *dwelling unit*;
 - (ii) 0.2 *bicycle parking spaces* for visitors for each *dwelling unit*, located at *grade* and first below grade level; and
 - (iii) 9 *bicycle parking spaces* for customers to the retail uses, located at *grade*;
- (h) the *bicycle parking spaces* required in (g)(i) and (ii) may be provided in a *stacked bicycle parking space* and one-hundred percent (100 percent) of the *bicycle parking spaces* may be provided in a vertical position;
- (i) the visitor *bicycle parking spaces* required in (g)(ii) may be provided in a secured room;
- (j) despite the minimum dimensions of a *bicycle parking space* in Section 2(1) of By-law 438-86, as amended, if *bicycle parking spaces* are provided in a *stacked bicycle parking space* then the minimum vertical dimensions of a *stacked bicycle parking space* shall be at least 1.2 metres and the minimum horizontal dimensions shall be at least 0.45 metres in width and 1.6 metres in length;
- (k) a minimum of one *loading space – type "G"* shall be provided;
- (l) *residential amenity space* is provided on the *lot* as follows:
 - (i) a minimum of 2.45 square metres of *residential amenity space* for each *dwelling unit* shall be provided in a multi-purpose room, one of which shall contain a kitchen and a washroom; and
 - (ii) a minimum of 1.0 square metres of *residential amenity space* for each *dwelling unit* shall be provided outdoors on the *lot*, of which at least 40 square metres shall be provided in a location adjoining or directly accessible from the indoor *residential amenity space*;
- (m) a sales office, used exclusively for the initial sale and/or initial leasing of *dwelling units* or *non-residential gross floor area* to be erected on the *lot*, shall be permitted;
- (n) notwithstanding Section 7(2) 6(iii) of By-law 438-86, as amended, a temporary *commercial parking lot* may be permitted for a period of not more than three years of the date of this by-law coming into effect;

- (o) despite the definitions of "*grade*", "*height*", "*lot*" and "*owner*" in section 2(1)(iii) of By-law 438-86, for the purposes of this by-law the following definitions shall apply:
- (i) "*grade*" means 80.15 metres Canadian Geodetic Datum;
 - (ii) "*height*" means the vertical distance between *grade* and the highest point of the roof except for those elements prescribed in Section 3(b) (i), (ii) and (iii) of this By-law;
 - (iii) "*lot*" means the lands delineated by heavy lines on Map 1 attached to this By-law;
 - (iv) "*stacked bicycle parking space*" means a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space*; and
 - (v) "*owner*" means the registered owner of the site; and
- (p) this amendment shall apply to all of the lands, shown on Map 1 attached to this By-law, regardless of future severance, partition or division.
4. Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height of development on the lot contemplated herein is permitted in return for the provision by the *owner*, at the *owner's* expense, of the facilities, services and matters set out in Schedule A hereof 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 lot, to the satisfaction of the City Solicitor.
5. 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.
6. 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.

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SCHEDULE A

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 Section 37(3) of the *Planning Act* whereby the *owner* agrees as follows:

- (a) Prior to issuance of an above grade building permit, the *owner* shall provide:
 - (i) A cash contribution of \$550,000 towards local community improvements, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor with such amount to be indexed upwardly in accordance with the Statistics Canada Non-residential Construction Price Index of Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made;
- (b) In the event the cash contributions referred to in Section (a)(i) have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the Ward Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lot.



