

Authority: Toronto and East York Community Council Item 3.6,
as adopted by City of Toronto Council on February 7 and 8, 2011
Enacted by Council: February 8, 2011

CITY OF TORONTO

BY-LAW No. 210-2011

To amend the General Zoning By-law No. 438-86, as amended, of the former City of Toronto, with respect to the lands municipally known as 288A, 290 and 294 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 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 pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set 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 and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; 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 the density or height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 438-86 of the former City of Toronto, as amended, are to be permitted in return for the provision of the 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 Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

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

1. This By-law applies to the lands delineated by a heavy line and identified as "288A, 290 and 294 Adelaide Street West" as shown on Map 1 attached to and forming part of this By-law.
2. Pursuant to Section 37 of the *Planning Act*, the heights of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the site of the facilities and services and matters set out in Appendix "1" hereof, the provisions of which shall be secured by an

agreement or agreements pursuant to Section 37(3) of the *Planning Act*.

3. Upon execution and registration of an agreement or agreements with the owner of the site pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities and services and matters set out in Appendix "1" hereof, the site is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirement.
4. Except as otherwise provided herein, the provisions of Zoning By-law No. 438-86 shall continue to apply to the *lot*.
5. 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:
 - (a) 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
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
6. None of the provisions of sections 4(2)(a)(i), 4(5) (h) and (i)(ii), 4(8), 4(12), 4(16), 7(3)Part II 1(i) and (3), 7(3) Part II 7E, 7(3) Part II 7G, 7(3) Part II 8(ii) and 12(2) 246 (e) to (i) 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 or use of a *mixed-use building* on the *lot* provided that;
 - (a) the aggregate of the *residential gross floor area* and *non-residential gross floor area* of buildings and structures shall not exceed 27,680 square metres, subject to the following:
 - (i) the *residential gross floor area* of buildings and structures shall not exceed 21,293 square metres.
 - (ii) the *non-residential gross floor area* of buildings and structures shall not exceed 6,387 square metres including a *commercial parking garage*.
 - (b) a maximum of 282 *dwelling units* shall be permitted.
 - (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 except that;
 - (i) a mechanical penthouse having a maximum height of 7.4 metres shall be permitted within the area on Map 2 outlined by a dashed line, provided the

- overall *height* of the building within the area on Map 2 outlined by a dashed line does not exceed 122.4 metres.
- (ii) the maximum height for parapets, terrace guards and dividers, planters, railings, decorative screens, and window washing equipment shall be the sum of 1.8 metres and the applicable *height* limit shown 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 public art features may extend to a maximum of 1.5 metres beyond the heavy lines shown on Map 2.
 - (ii) canopies and balconies may extend a maximum of 1.8 metres beyond the heavy lines on Map 2, as measured perpendicular to the exterior walls of the building.
- (e) despite section 12(2) 132, a *commercial parking garage* with 84 *parking spaces* is required in a building on the *lot*.
- (f) despite the definition of "*parking space*" in section 2(1)(iii) and the minimum width dimensions for obstructed *parking spaces* in sections 4(17) (a) and (e) of By-law No. 438-86, as amended, 12 obstructed *parking spaces* are permitted in a *commercial parking garage* having minimum widths as follows:
- (i) seven *parking spaces* having minimum widths of 2.5 metres
 - (ii) one *parking space* having a minimum width of 2.6 metres.
 - (iii) one *parking space* having a minimum width of 2.7 metres.
 - (iv) three *parking spaces* having minimum widths of 2.75 metres.
- (g) despite the definition of "*parking space*" in section 2(1)(iii) and the minimum width dimensions for obstructed *parking spaces* in sections 4(17) (a) and (e) of By-law No. 438-86, as amended, 1 obstructed required *parking space* for residents is permitted having a minimum width of 2.6 metres.
- (h) a minimum of 161 *parking spaces* shall be provided for residents.
- (i) a minimum of one combined *loading space – type "G"* and *loading space – type "B"* shall be provided and maintained within a building or structure and access to a parking area below grade may be temporarily obstructed when the loading space is occupied.
- (j) a minimum of 2.15 square metres of indoor *residential amenity space* shall be provided for each *dwelling unit* located in a multi-purpose room or rooms in the building, at least one of which contains a kitchen and a washroom.

- (k) a minimum of 1.5 square metres of outdoor *residential amenity space* for each *dwelling unit* of which at least 40 square metres is to be provided in a location adjoining or directly accessible from the indoor *residential amenity space*.
- (l) despite the definition of "*bicycle parking space – visitor*" in section 2(1) (iii) of By-law No. 438-86, a *bicycle parking space* for visitors may be permitted within a secured room.
- (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) despite the definitions of "*grade*", "*height*" and "*lot*" in section 2(1)(iii) of By-law No. 438-86 shall not apply to the lands and instead the following definitions shall apply;
 - (i) "*grade*" means 87.22 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 6(c) (i) and (ii) of this By-law.
 - (iii) "*lot*" means the lands delineated by heavy lines on Map 1 attached to this By-law.
- (o) 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.

ENACTED AND PASSED this 8th day of February, A.D. 2011.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Appendix "1"
Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the owner of the lot at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act* in a form satisfactory to the Chief Planner and Executive Director, City Planning Division and the City Solicitor and such agreement(s) shall be registered against title to the *lot* as outlined in heavy lines on Map 1 to secure the following facilities, services or matters;

- (a) Prior to the issuance of the first above grade building permit, the owner of the *lot* shall pay the sum of ONE MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$1,800,000.00) to the City of Toronto as contribution towards John Street streetscape improvements and local parks, such payment to be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of the Section 37 Agreement to the date of payment of the sum by the owner to the City of Toronto;
- (b) Prior to the passage of the zoning by-law amendments and upon execution of the Section 37 Agreement, the owner of the *lot* shall pay the sum of TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) to the City of Toronto as contribution towards public housing in Ward 20;
- (c) Building permits shall be substantially in accordance with the design of the building as shown on the drawings submitted to the City of Toronto under the owner's zoning by-law amendment application with respect to this amending zoning by-law, such drawings being date stamped November 23, 2010 by the City of Toronto City Planning Division, which design may be revised and detailed to the City of Toronto's satisfaction through the site plan approval process pursuant to Section 114 of the *City of Toronto Act*, 2006, c.11, as amended; and
- (d) At least Ten Percent (10%) of the total number of *dwelling units* to be constructed in the building shall be capable of being designed as three bedroom units in compliance with the provisions of the Ontario Building Code, and these *dwelling units* are to be shown on any marketing plans as three bedroom units and to be marketed as potential three bedroom units. These units may be sold and/or constructed with fewer bedrooms with provisions in the condominium documentation to allow renovation to three bedroom units.



