

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. 211-2011

To amend City of Toronto Zoning By-law No. 1156-2010, as amended, 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. 1156-2010 of the 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 on Diagram 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 Section 8 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 Section 8 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 Regulations of Zoning By-law No. 1156-2010 continue to apply to the lands.
5. The Zoning By-law Map of By-law No. 1156-2010 is amended by removing exception 74 from the lands delineated by heavy lines on Diagram 1 of By-law No. 211-2011.
6. The Zoning By-law Map of By-law No. 1156-2010 is amended by adding Exception 86 to the lands delineated by heavy line on Diagram 1 of By-law No. 211-2011.
7. Zoning By-law No. 1156-2010, is amended by adding Exception CRE 86 to Section 900.12.10 so that it reads:

(86) Exception CRE 86

If the requirements of Section 8 – Section 37 requirements of By-law No. 211-2011 are complied with, a **building** or **structure** may be erected on the lands delineated by heavy lines on Diagram 2 of By-law No. 211-2011 and used for the uses permitted if the whole of the **premises** on those lands collectively comply with the following:

- (A) Regulations 5.10.40.1 (1), 5.10.40.10 (1) to (6), 5.10.40.60(1), 5.10.40.70 (1) to (4), 5.10.60.10 (1), 5.10.80.1 (1) and (2), 5.10.80.20 (1), 5.10.90.1 (1), 5.10.90.40 (1), 5.10.40.10 (1) (2), and (3), 5.10.40.50 (1), 5.10.40.60 (1) through (9), 5.10.40.70 (1) and (5), 5.10.40.80 (2) and (3), 5.10.40.200 (6), 5.10.80.1 (2) and (4), 5.10.80.200 (6), 5.10.90.200 (75), 5.10.100.10 (10), 5.10.150.1(1), 200.5.1.10 (1), (3), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14), 200.5.10.1 (1) through (10), 200.10.1 (2), 200.10.1.5(1), 200.15.1(1), 200.15.1.5 (1) and (2), 200.15.10 (1) and (2), 220.5.1 (1), 220.5.1.10 (1), (2), (3), (4), (5), and (7), 220.5.10.1 (1) through (9), 230.5.1.10 (1), (8), (9) and (13), 230.5.10.1 (1) through (9), 230.50.1.10 (1) and (3), and 280.5.90 do not apply to the lands.
- (B) No portion of a **building** or **structure** erected on the lands is to have a height in metres greater than the height in metres specified by the numbers following the symbol H on attached Diagram 2 of By-law No. 211-2011 except that;
 - (i) a mechanical penthouse having a maximum height of 7.4 metres is permitted within the area on Diagram 2 of By-law No. 211-2011 outlined by a dashed line, if the overall height of the **building** within the area on Diagram 2 of By-law No. 211-2011 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 is the sum of 1.8 metres and the applicable height limit shown on Diagram 2 of By-law No. 211-2011.
- (C) The height of a **building** or **structure** on the lands is measured as the vertical distance between grade, which is Canadian Geodetic Datum elevation of 87.22 metres, and the highest point of the **building** or **structure** except for those elements prescribed in Section (B) (i) and (ii) above.
- (D) The **building** or **structure** above grade must be located within the areas delineated by heavy lines on Diagram 2 of By-law No. 211-2011, 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 Diagram 2 of By-law No. 211-2011.
 - (ii) canopies and balconies may extend a maximum of 1.8 metres beyond the heavy lines on Diagram 2 of By-law No. 211-2011, as measured perpendicular to the exterior walls of the **building**.
- (E) A maximum of 282 **dwelling units** shall be permitted.
- (F) The **gross floor area** of **buildings** and **structures** must not exceed 27,504 square metres, and;
 - (i) the **gross floor area** of **buildings** and **structures** occupied by residential uses symbolized by the letter 'r' permitted by Regulations 50.10.20.10 (1), 50.10.20.20 (1) and 50.10.20.30 must not exceed 25,523 square metres.
 - (ii) the **gross floor area** of **buildings** and **structures** occupied by commercial and employment uses symbolized by the letters 'c' and 'e' respectively, permitted by Regulations 50.10.20.10 (1), 50.10.20.20 (1) and 50.10.20.30 must not exceed 1981 square metres, excluding the area occupied by a **parking garage** or **public parking**.
- (G) A minimum of 2.15 square metres of indoor **amenity space** must be provided for each **dwelling unit** and must be located in a multi-purpose room or rooms in a **building**, at least one of which contains a kitchen and a washroom.
- (H) A minimum of 1.5 square metres of outdoor **amenity space** must be provided 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 **amenity space**.
- (I) In addition to the Principal Uses permitted by Regulation 50.10.20.10 (1) **public parking** in a **parking garage** is permitted within a **building**.

- (J) 84 **public parking, parking spaces** are required in a **parking garage** that may be located above grade.
 - (K) Despite Regulation 200.5.1.10 (2) (A) and (D) 12, within a **public parking** use, a maximum of 12 obstructed **parking spaces** are permitted to have a width of less than the required obstructed width if they comply with the following:
 - (i) a maximum of seven **parking spaces** have minimum widths of 2.5 metres.
 - (ii) a maximum of one **parking space** has a minimum width of 2.6 metres.
 - (iii) a maximum of one **parking space** has a minimum width of 2.7 metres.
 - (iv) a maximum of three **parking spaces** have minimum widths of 2.75 metres.
 - (L) A minimum of 161 **parking spaces** are required for the residential **dwelling units**.
 - (M) Despite Regulation 200.5.1.10 (2) (A) and (D) 1 obstructed required **parking space** for the residential **dwelling units** is permitted having a minimum width of 2.6 metres.
 - (N) Despite Regulation 220.5.1.10 (8), a minimum of one combined **loading space**, Type 'G' and **loading space**, Type 'B' must 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.
 - (O) A minimum of 255 **bicycle parking spaces** must be provided, of which 208 **bicycle parking spaces** must be for 'Long-Term Bicycle Parking' and 47 **bicycle parking spaces** must be for 'Short-Term Bicycle Parking'.
 - (P) Despite Regulation 230.50.1.20 (1) C, 12 Long-Term **bicycle parking spaces** for **dwelling units** may be provided in storage lockers.
 - (Q) A sales office, used exclusively for the initial sale and/or initial leasing of **dwelling units** or **gross floor area** for 'c' and 'e' uses permitted by Regulations 50.10.20.10 (1), 50.10.20.20 (1) and 50.10.20.30, proposed on the lands, is permitted.
 - (R) Exception 86 shall apply to all of the lands regardless of future severance, partition or division.
8. The facilities, services and matters set out herein are the matters required to be provided by the owner of the lands 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 lands as outlined in heavy lines on Diagram 2 to secure the following facilities, services or matters:

- (i) 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;
- (ii) 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;
- (iii) 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
- (iv) 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.

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

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)



