

Authority: Toronto and East York Community Council Item 25.25, as adopted by City of Toronto Council on July 16, 17, 18 and 19, 2013 and MM41.35, moved by Councillor Vaughan, seconded by Councillor Layton, as adopted by City of Toronto Council on November 13, 14, 15 and 18, 2013

CITY OF TORONTO

BY-LAW No. 1504-2013

To amend General Zoning By-law No. 438-86, of the former City of Toronto with respect to the lands municipally known as 523, 525 and 525A Adelaide Street West.

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 such provisions relating to the authorization of increase in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a Council of a municipality may in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond that otherwise permitted by the by-law in return for the provision of such facilities, services or 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 provided facilities, services or 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 or matters as set out in this By-law; and

Whereas the increase in height or density permitted hereunder, beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86 of the former City of Toronto, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and is to be secured by one or more agreements between the owner of such lands and the City of Toronto;

The Council of the City of Toronto enacts:

1. None of the provisions of Section 2(1) with respect to the definition of *grade*, *lot*, *owner*, *bicycle parking spaces - visitor*, Section 4(2)(a), 4(5), 4(12), 4(14), 4(16), 7(3) Part II 1, 3, 7, and 8, 12(2) 132, 246 (a), (b), and (c), of general Zoning By-law No. 438-86 of the former City of Toronto, as amended, 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", shall apply to prevent the erection and use of a *mixed-use building*, including a *commercial parking garage*, a *public park*, and uses *accessory* thereto, provided that:

Lot Description

- (a) the *lot* consists of at least those lands delineated by heavy lines on Map 1 attached to and forming part of this By-law that may exclude any conveyance of lands identified as "Proposed Shared Driveway - Future Conveyance" as shown on Map 1 and Map 2 attached to and forming part of this By-law;

Gross Floor Area

- (b) the total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* shall not exceed 34,162 square metres;
- (c) the *residential gross floor area* erected or used on the *lot* shall not exceed 33,612 square metres;
- (d) the *non-residential gross floor area* erected or used on the *lot* shall be at least 55 square metres;

Setbacks

- (e) no portion of any building or structure erected or used on the *lot* above *grade* is located other than wholly within the areas delineated by heavy lines on Map 2 attached to and forming part of this By-law, with the exception of the following applicable to other than a *lot* line:
 - (i) lighting fixtures, cornices, sills, eaves, canopies, window washing equipment, parapets, railings, privacy screens, wind screens, terraces, decks, planters, balustrades, bollards, stairs, stair enclosures, wheel chair ramps, wheelchair platform lift, ornamental or architectural features and elements, landscape features, retaining walls, underground garage ramps and their associated structures, hand and safety railings, decorative walls, fences, vents, stacks and air shafts which may extend beyond the heavy lines shown on the attached Map 2; and
 - (ii) balconies may extend within the *lot* beyond the heavy lines shown on the attached Map 2 to a maximum horizontal projection of 1.5 metres from the wall to which they are attached;

Height

- (f) no portion of any building or structure erected or used on the *lot* above *grade* shall exceed the *height* limit shown in metres and specified by the numbers following the letter "H" in the areas delineated by heavy lines shown on Map 2, with the exception of the following:
 - (i) the erection or use of green roof technology and alternative roofing systems shall be permitted;

- (ii) the structures, elements and enclosures set out in Section 1(e) of this By-law, as applicable, shall be permitted;
- (iii) balconies may extend within the *lot* beyond the heavy lines shown on the attached Map 2 to a maximum horizontal projection of 1.5 metres from the wall to which they are attached; and
- (iv) *mechanical penthouse* uses shall only be permitted within the H55.60 metre *height* area identified on Map 2 with the following exceptions:
 - A. outdoor cooling towers with associated screens are permitted within the H55.60 metre *height* area provided that they have a height of no greater than 5.10 metres; and
 - B. external air handling units are permitted within the H55.60 metre *height* area provided that they have a height of no greater than 2.0 metres; and

further provided that they are not located within a 45 degree angular plane measured from the top of a parapet facing Adelaide Street West or from the top of a parapet facing Adelaide Place;

Parking - Requirements

- (g) *parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
 - (i) a minimum of 0.5 *parking spaces* per one *bedroom dwelling unit*;
 - (ii) a minimum of 0.75 *parking spaces* per two *bedroom dwelling unit*;
 - (iii) a minimum of 1.20 *parking spaces* per *dwelling unit* containing three or more *bedrooms*;
 - (iv) a minimum of 0.06 *parking spaces* per *dwelling unit* shall be provided for residential visitors to the *lot*;
 - (v) the total number of *parking spaces* required to be provided under (iv) for residential visitors may be provided for the shared use of residential visitors and non-residential uses on the *lot* and all such *parking spaces* may be provided within a *commercial parking garage*; and
 - (vi) not more than 66 *parking spaces* shall be located in the *commercial parking garage*; and

Amenity Space

- (h) the *residential amenity space* requirements shall be provided and maintained on the *lot* in accordance with Section 4(12) of By-law No. 438-86, as amended, with the exception that the rooms need not be contiguous, provided there is at least one room having a minimum area of 100.0 square metres which contains a kitchen and a washroom.
- 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 provision by the *owner*, at the *owner's* expense, of the facilities, services and matters set out in Schedule 1 hereof which is 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.
- 3. Where Schedule 1 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 1 are satisfied.
- 5. For the purposes of this By-law, each word or expression that is italicized in this By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended, except for the following:
 - (a) "*bicycle parking space - visitor*" shall have the same meaning as provided for in By-law No. 438-86 with the exception that such *bicycle parking spaces - visitor* may be located outdoors or indoors and within a secured room, enclosure or bicycle locker;
 - (b) "*grade*" means 88.49 metres Canadian Geodetic Datum;
 - (c) "*lot*" means at least those lands delineated by heavy lines on Map 1 attached to and forming part of this By-law that may exclude any conveyance of the lands identified as "Proposed Shared Driveway - Future Conveyance" on Maps 1 and 2 attached to and forming part of this By-law; and
 - (d) "*owner*" mean the registered owner of the *lot*, other than the City of Toronto in connection with any lands conveyed to the municipality.
- 6. Despite an existing or future severance, partition, or division of the *lot*, the provisions of this By-law, as amended, shall apply to the whole of the *lot* as if no severance, partition or division had occurred.
- 7. Except as otherwise provided herein, the provision of By-law No. 438-86, as amended, shall continue to apply to the *lot* as well as the buildings and structures on the *lot*.

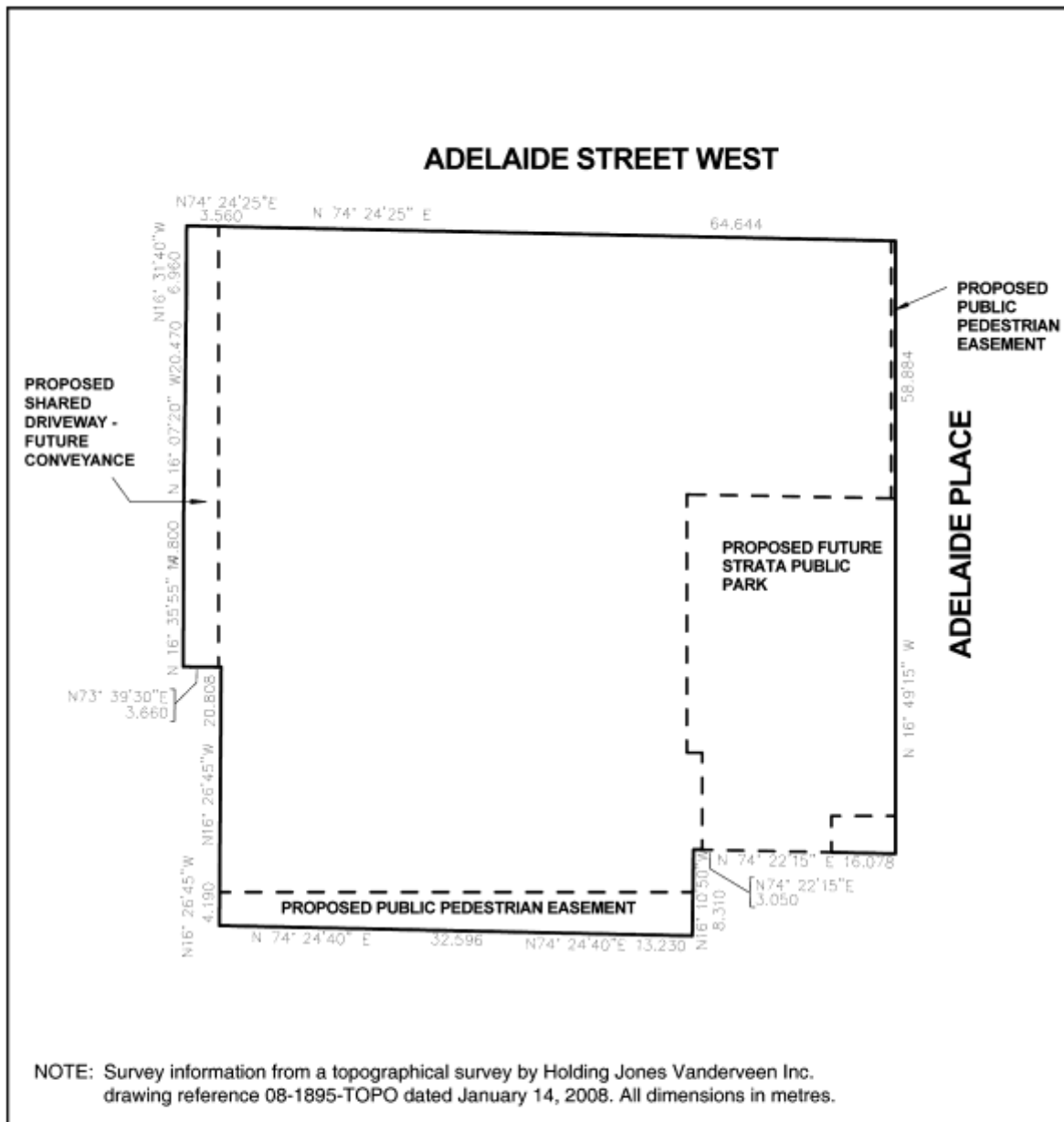
- 8.** Within the lands shown on Map 1, attached hereto, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and 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.

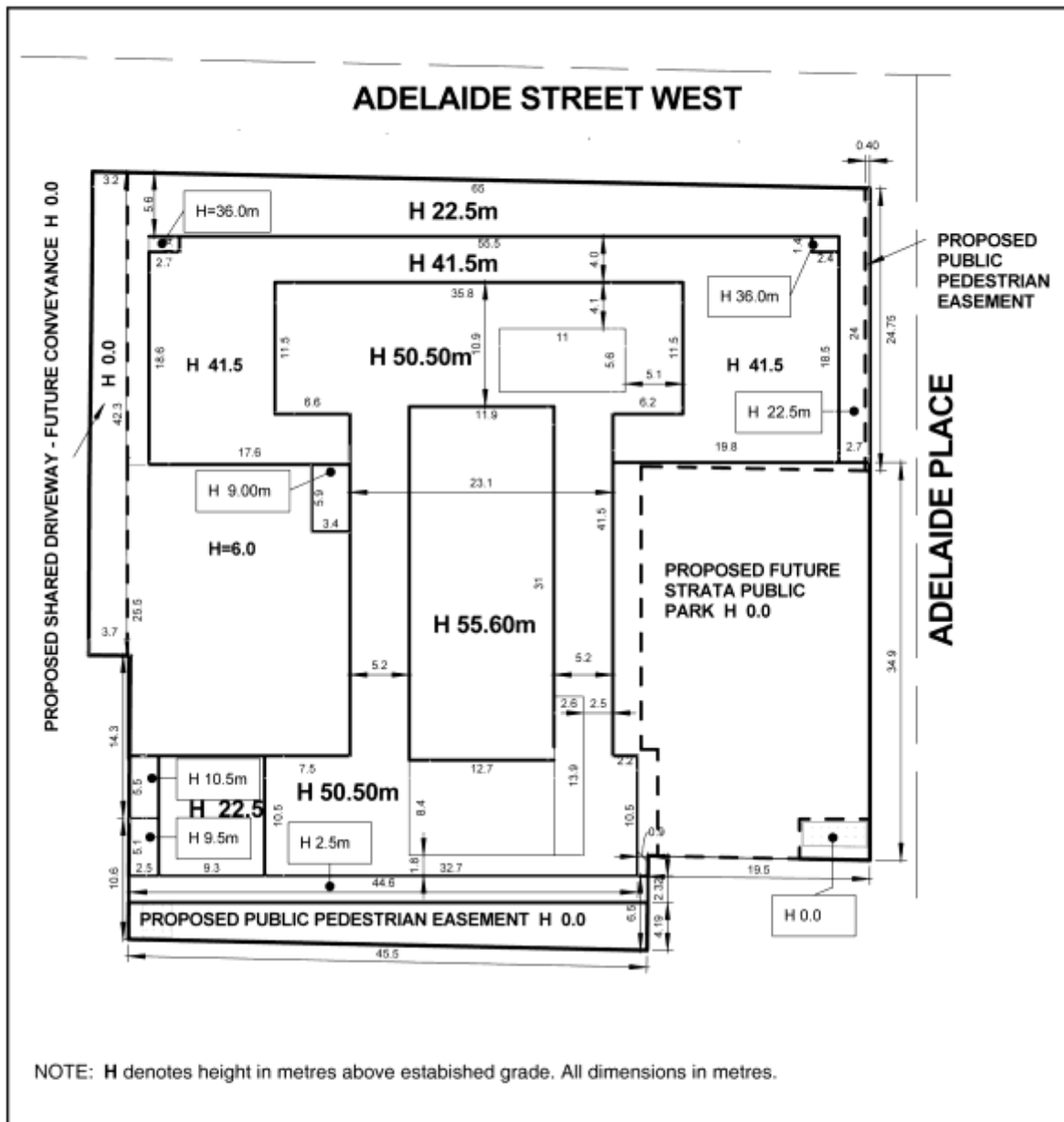
Enacted and passed on November 15, 2013.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)





SCHEDULE 1
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 Section 37(3) of the *Planning Act* whereby the *owner* agrees as follows:

- (1) Prior to issuance of an above grade building permit:
 - i) the *owner* shall have made a cash contribution to the City in the total amount of seven hundred and seventy five thousand dollars (\$775,000.00 CAN) as follows:
 - A) within fifteen (15) days of this By-law coming into full force and effect the *owner* shall have made a cash contribution to the City in the amount of fifty thousand dollars (\$50,000.00 CAN) to be allocated toward the Factory Lab Theatre;
 - B) the owner shall make a cash contribution in the amount of two hundred and twenty-five thousand dollars (\$225,000.00 CAN) to be allocated at the discretion of the City for streetscape improvements in the vicinity of the *lot*; and
 - C) the owner shall make a cash contribution in the amount of five hundred thousand dollars (\$500,000.00 CAN) to be allocated at the discretion of the City for capital improvements to and/or the acquisition of Affordable Housing in Ward 20;

such amounts to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made; and

- ii) the *owner* shall provide a letter of credit in the City standard form in the amount of seven hundred and fifty thousand dollars (\$750,000.00 CAN) to guarantee the cost to construct the above base park improvements contemplated in Section (3)i) of this Schedule;
- (2) The *owner* shall provide and maintain the following:
 - i) incorporation of exterior materials into the construction of the building substantially in accordance with the architectural drawings (1:50 scale) as originally prepared by Quadrangle Architects Limited, dated February 14, 2013 revised to reflect June 11, 2013 submissions to the satisfaction of the Chief Planner and Executive Director, City Planning which drawings shall be submitted for approval in the context of application for site plan approval for the development;

- ii) construction of a public pedestrian walkway and conveyance of an public access easement to the City, on terms and conditions satisfactory to the City Solicitor, in the location shown on Map 1 and identified as "Proposed Public Pedestrian Easement" at the south limit of the *lot* with details to be determined in the context of site plan approval for the development and such easement lands to be maintained by the *owner*;
 - iii) a minimum of 10% of the dwelling units constructed on the *lot* as three bedroom units;
 - iv) knock-out panels, where feasible without material structural modification, to enable the conversion of units with fewer bedrooms to 3-bedroom units and inclusion of appropriate provision(s) in any condominium documents to enable any such conversions in the future; and
 - v) all conveyances to the City, including easements and the conveyance of the public park pursuant to Section (3)i)B) of this Schedule, shall be for nominal consideration, free and clear of encumbrances and at no cost to the City to the satisfaction of the City Solicitor and, in addition, the owner shall be responsible to prepare, submit to the City for approval and deposit all required reference plans to describe all lands being conveyed;
- (3) The *owner* shall provide the following in support of the development of the *lot*;
- i) Prior to registration of the plan of condominium on the *lot*, the *owner* shall construct and convey a public park at grade (strata title) having a minimum size of approximately 649 square metres in accordance with the following and on terms and conditions as are set out in the Section 37 Agreement:
 - A) the *owner* shall construct the public park at its expense and the final configuration and design of the public park, including grading, soil depth, and improvements shall be to the satisfaction of the Ward Councillor in consultation with the General Manager of Parks, Forestry and Recreation as well as the Director of Urban Design, following consultation with a Working Committee that will include representation from the surrounding community;
 - B) the *owner* shall convey the public park to the City by way of strata title and in accordance with the provisions of Section (2)v) of this Schedule and to the satisfaction of the City Solicitor;
 - C) the *owner* shall complete base park and above-base park improvements prior to conveyance of the parkland and registration of the plan of condominium for the *lot* to the satisfaction of the General Manager of Parks, Forestry and Recreation, subject to securing any outstanding improvement items related to seasonality by letter of credit;

- D) the above base park improvements shall have a minimum value of five hundred thousand dollars (\$500,000.00 CAN) and a maximum value of seven hundred and fifty thousand dollars (\$750,000.00 CAN) to the satisfaction of the General Manager, Parks, Forestry and Recreation based on cost estimates submitted by the owner at the time of finalizing design and approval of plans and specifications for such improvements;
 - E) prior to conveyance of the parkland, the *owner* shall be responsible for an environmental assessment of the land and any associated costs or remediation works required as a result of that assessment to the satisfaction of the City together with the filing of a Record of Site Condition (RSC) in accordance with all applicable Ministry of Environment requirements to the satisfaction of the General Manager Parks, Forestry and Recreation. Peer review by an environmental consultant retained by the City shall be at the owners' expense; and
 - F) the *owner* shall protect and indemnify the City on terms satisfactory to the City Solicitor in connection with the stratification of the public park as well as the ongoing maintenance by the *owner*; and
- ii) the *owner* shall maintain the public park at its expense to the satisfaction of the General Manager, Parks Forestry and Recreation.
- (4) In the event the cash contributions referred to in Section (1) of this Schedule 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 local Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the *lot*.