

CITY OF TORONTO

BY-LAW No. 1078-2014(OMB)

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands known municipally as 219 Queen Street West.

Whereas the Ontario Municipal Board, by its Order issued January 9, 2014 in Board File No. PL121297, determined to amend Zoning By-law No. 438-86, as amended, with respect to the lands known municipally as 219 Queen Street West (the "*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 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 Ontario Municipal Board orders:

EXCEPTIONS FROM ZONING BY-LAW NO. 438-86, AS AMENDED

1. None of the provisions of Sections 2 (1) with respect to the definitions of *lot*, *grade*, *height*, *bicycle parking space - occupant* and *bicycle parking space - visitor*, 4(2)(a); 4(3); 4(5); 4(8); 4(10); 4(12); 4(16); 4(17); 8(3) PART I 1, 2 and 3(a); 8(3) PART II 1(b)(ii); 8(3) PART II 4(c)(i); 12(2)246; 12(2)260; and 12(2)270 of Zoning By-law No. 438-86 of the former City of Toronto, 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*, subject to the following:
 - (1) The *lot* consists of those lands delineated by the heavy lines on Map 1 attached to and forming part of this By-law;

- (2) No portion of any building or structure erected or used above grade shall extend beyond the lines delineated by the heavy lines and not exceed the maximum height permitted as indicated by the numbers following the letter "H" on Map 2 attached to and forming part of this By-law, with the exception within the following chart:

STRUCTURE	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
A. Light fixtures, ornamental or architectural elements, planters, and roofing materials	1.0 metres from the wall where it is attached	Provided the height of the "STRUCTURE" is no higher than 2.0 metres above the applicable <i>height</i> limit shown on Map 2
B. Cornices, sills, eaves, bay windows, window sills, mullions	0.45 metres from the wall where it is attached	No Restriction
C. Balconies and terraces	1.8 metres from the wall where it is attached	Balconies and terraces are to be located wholly within the <i>lot</i>
D. Awnings and canopies	2.0 metres from the wall where it is attached	Provided the height of such "STRUCTURE" is not greater than 6.0 metres above finished ground level
E. Public art features	3.0 metres from the wall where it is attached	No Restriction
F. Fences, screens, partitions dividing outdoor recreation areas, trellises, safety railings and guard rails (which railings include in part balustrades)	No restriction	Provided the height of such "STRUCTURE" does not exceed 3.0 metres the applicable <i>height</i> limit shown on Map 2

STRUCTURE	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
G. Ramps, wheel chair ramps and/or stairs (and associated structures), underground garage ramps and their associated structures, garbage and servicing areas and their associated structures, retaining walls, air shafts, transformer vaults and elements required for the functional operation of the building	No restriction	Provided the height of such "STRUCTURE" does not exceed 2.0 metres above the applicable <i>height</i> limit shown on Map 2
H. Stairs, stair enclosures including stair tower, elevator shaft, chimney stack or other heating, cooling or ventilating equipment, window washing equipment on the roof of the building, a fence, and wall or structure enclosing such above noted elements, elements of a green roof and lightning rods	1.0 metres from the wall where it is attached and no part of any such elements shall be located within 5.0 metres of the <i>front lot line</i>	Provided the height of such "STRUCTURE" does not exceed 3.0 metres the applicable <i>height</i> limit shown on Map 2

- (3) The *height* of any building or structure on the *lot*, shall not exceed the maximum height permitted as indicated by the numbers following the letter "H" as shown on Map 2 attached to and forming part of this By-law, subject to the following:
- (a) The maximum height for cornices, window washing equipment, lighting fixtures, ornamental elements, trellises, planters, partitions dividing outdoor recreation areas, guard rails, stairs, stair enclosures, wheelchair ramps, vents, fences, screens, architectural features, roofing materials, elements of a green roof, lightning rods, parapets, and exhaust flues shall be the sum of 2.0 metres and the applicable height limit shown on Map 2.
 - (b) The maximum *height* for a stair tower, elevator shaft, chimney stack or other heating, cooling or ventilating equipment or window washing equipment on the roof of the building, or a fence, wall or structure enclosing such elements, shall be the sum of 3.0 metres and the applicable *height* limit shown on Map 2, provided that no part of any such elements shall be located within 5.0 metres of the *front lot line*.
- (4) The maximum total *residential gross floor area* shall be 12,500 square metres.

- (5) The minimum *non-residential gross floor area* provided shall be 2,200 square metres.
- (6) A minimum of 53 *parking spaces* shall be provided for the exclusive use of residents.
- (7) No *parking spaces* shall be required for residential visitors, or to serve the *non-residential gross floor area*.
- (8) A minimum of 262 square metres of indoor *residential amenity space* shall be provided.
- (9) A minimum of 170 square metres of outdoor *residential amenity space* shall be provided.
- (10) A minimum of two (2) *retail stores*, each with individual pedestrian entrances accessing the *street* adjacent to the north *lot* line, will be located on the ground floor.
- (11) The *non-residential gross floor area* noted in subsection (5) above shall comprise of only the following uses: *bake-shop; branch of a bank or financial institution; brew-on-premises establishment; auctioneer's premises; laundry shop; caterer's shop; courier service; dry-cleaning shop; duplicating shop; personal grooming establishment; pet shop; private art gallery; restaurant; retail store; service, rental or repair shop; showroom; tailoring shop; take-out restaurant or office*.
- (12) There shall be no *dwelling units* in the first four storeys of the building.
- (13) None of the provisions of this By-law nor any other restrictive by-law shall apply to prevent the construction of a temporary sales office on the *lot*.

SECTION 37 OF THE PLANNING ACT

- 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 *Lands* 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 Section 37(3) of the *Planning Act* that are in a form satisfactory to the City Solicitor and registered on title to the *Lands*.
- 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.

DEFINITIONS

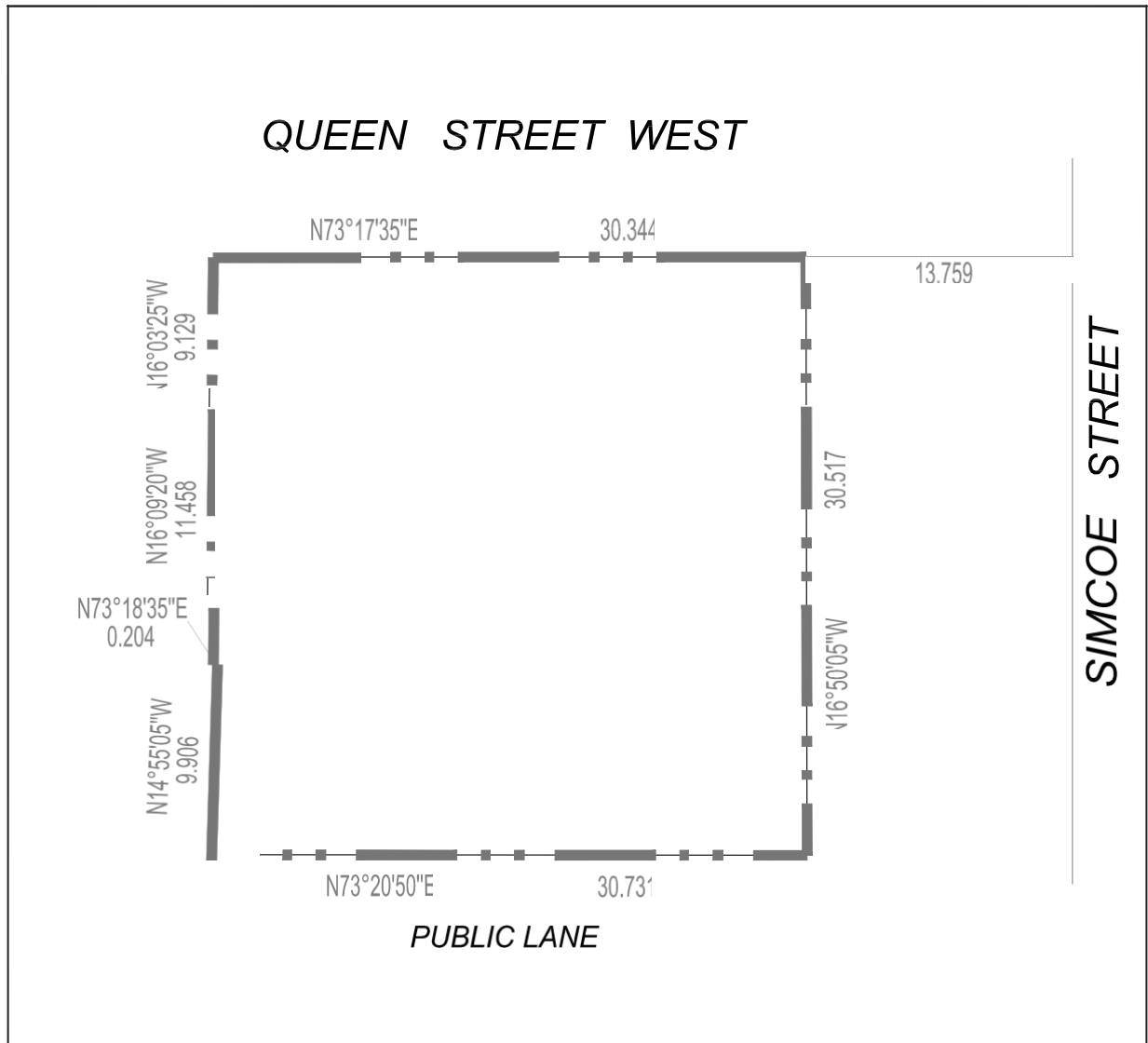
5. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law No. 438-86 of the former City of Toronto, as amended, with the exception of the following:
- (1) "*Bicycle parking space - occupant*" means an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles and:
 - (a) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres.
 - (b) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres.
 - (c) notwithstanding (a) and (b) above, where the bicycles are to be parked in a stacker, being a device that allows parking spaces to be positioned above or below one another with the aid of an elevating mechanism, the parking space within the stacker shall have horizontal dimensions of at least 1.6 metres by 0.4 metres, and the stacker shall be located in an area with a vertical dimension of at least 2.5 metres.
 - (2) "*Bicycle parking space - visitor*" means an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles and:
 - (a) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres.
 - (b) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres.
 - (c) notwithstanding (a) and (b) above, where the bicycles are to be parked in a stacker, being a device that allows parking spaces to be positioned above or below one another with the aid of an elevating mechanism, the parking space within the stacker shall have horizontal dimensions of at least 1.6 metres by 0.4 metres, and the stacker shall be located in an area with a vertical dimension of at least 2.5 metres.
 - (3) "*Grade*" means 90.0 metres Canadian Geodetic Datum.
 - (4) "*Height*" means the vertical distance between *grade* as defined in this By-law and the highest point of the roof except for those elements prescribed in this By-law.
 - (5) "*Lands*" means the lands known municipally as 219 Queen Street West.

- (6) "*Lot*" means the lands outlined with heavy lines on Map 1.
- (7) "*Owner*" means the owner of the *Lands*.

OTHER

- 6. Within the lands shown on Map 1 attached to and forming part of this By-law, no person shall use any land or erect or use any building or structure unless the following municipal service 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.
- 7. Despite any existing or future consent, partition or division the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no consent, partition or division had occurred.

PURSUANT TO THE DECISION/ORDER OF THE ONTARIO MUNICIPAL BOARD
ISSUED JANUARY 9, 2014 IN BOARD FILE NO. PL121297.



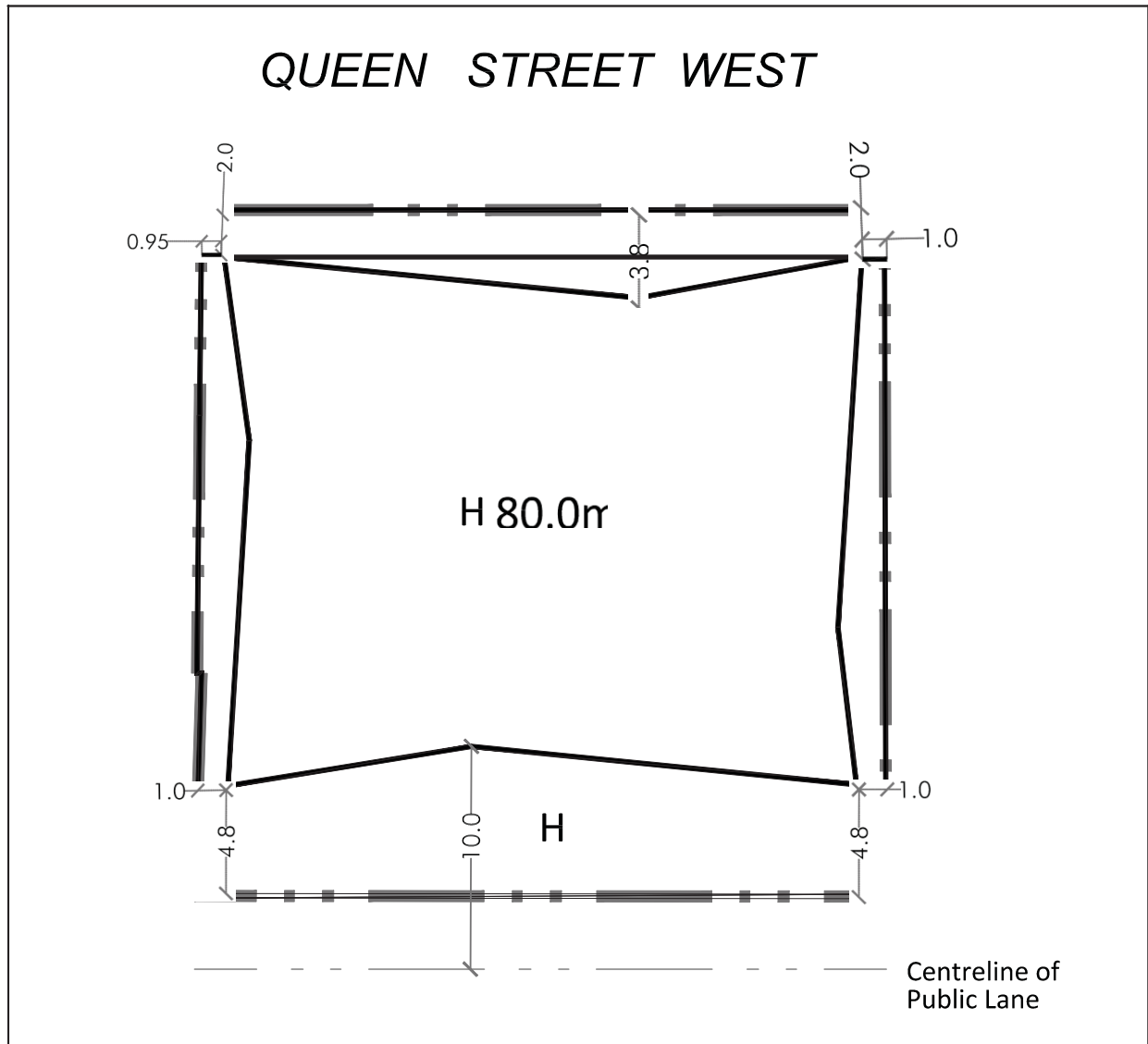
219 Queen Street West

Map 1

File #10_____



Not to Scale



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 *Lands* and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the *Owner* agrees as follows:

- (1) The Owner shall pay to the City the sum of One Million Dollars (\$1,000,000), for one or more of the capital facilities set out below within the vicinity of the site:
 - (a) Prior to issuance of any Order of the Ontario Municipal Board in this matter, the Owner shall pay to the City One Hundred Thousand Dollars (\$100,000) for capital improvements to Affordable Housing in Ward 20.
 - (b) Prior to issuance of an above-grade building permit other than building permit for a temporary sales office/pavilion the Owner shall:
 - (i) Pay to the City the sum of Nine Hundred Thousand Dollars (\$900,000), indexed upwardly as of November 29, 2012, in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for Streetscape improvements in the area, as determined by the City's Chief Planner in consultation with the Ward Councillor; and
 - (ii) Make a public art contribution in accordance with the Percent for Public Art Program, for a value not less than one percent of the gross construction cost of all buildings and structures on the land.
- (2) The Owner shall provide and maintain the following:
 - (a) A minimum of 10 percent of the dwelling units erected and used on the lot shall be 3 bedroom or larger dwelling units; and
 - (b) The Owner shall incorporate knock-out panels, where structurally feasible, to enable the conversion of units with fewer bedrooms to 3-bedroom units and include appropriate provision(s) in any condominium documents to enable any such conversions in the future;
 - (c) The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Planning and Growth Committee Item 32.3.
 - (d) The Owner shall provide, at its sole expense, an irrigation system for all trees to be planted within the public road allowances pursuant to the Site Plan Approval for the Development as determined by the Chief Planner, including an automatic timer, to be designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer. The Owner agrees

that the irrigation system shall be to the satisfaction of the City's Executive Director, Technical Services, and the Owner shall maintain the irrigation system in good working order and operation. The details for the installation of the irrigation system shall be secured in the Site Plan Agreement for the Development

- (e) As part of any Site Plan Application for the development or any portion thereof, the Owner shall submit 1:50 scale elevation drawings for the four storey podium of the Development. The drawings shall clearly describe the building material to be used and shall have a sufficient level of detail to illustrate how the building will be perceived by the pedestrian. The materials and finishes illustrated on the 1:50 scale elevations shall be to the satisfaction of the Chief Planner.