

Authority: Ontario Municipal Board Decision/Order issued June 7, 2016 and Local Planning Appeal Tribunal Decision/Order issued April 20, 2018 in Board File PL150038

CITY OF TORONTO

BY-LAW 592-2018(LPAT)

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known as 283 Adelaide Street West.

Whereas after hearing an appeal under subsection 34(11) of the Planning Act, R.S.O. c. P.13, as amended, the Ontario Municipal Board, by its Decision issued on June 7, 2016 and the Local Planning Appeal Tribunal by its Decision issued on April 20, 2018, in respect of Board File PL150038, approved amendments to the former City of Toronto Zoning By-law 438-86, as amended; and

Whereas the Official Plan of the City of Toronto contains provisions relating to the authorization of increases in *height* and density of development; and

Whereas pursuant to Section 37 of the Planning Act, the 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 and matters as are set out in the By-law; and

Whereas subsection 37(3) of the Planning Act provides that, where an owner of the land elects to provide facilities, services or matters in return for any increase in the *height* or density of development, the 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 increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by Zoning By-law 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;

Pursuant to the Decision of the Ontario Municipal Board and the Decision of the Local Planning Appeal Tribunal, former City of Toronto By-law 438-86, as amended, is amended as follows:

1. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*.
2. None of the provisions of Sections 2(1) with respect to *grade* and Sections 4(2)(a), 4(5), 4(12), 7(3) PART II 1, 7, and 8, 12(2)246(a), 12(2)246(c), 12(2)246(e), and 12(2)246(g) 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. the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law; and

- b. the total of the *residential gross floor area* and *non-residential gross floor area* shall not exceed 29,640 square metres, subject to the following:
- i. The *residential gross floor area* shall not exceed 29,430 square metres; and
 - ii. The uses permitted in Section 7(1)(f)(b) (iv) and (vi) of By-law 438-86, as amended, and Section 3(c) of this By-law shall not exceed a *non-residential gross floor area* of 210 square metres;
- c. at least 10 percent of the dwelling units on the *lot* shall contain three or more bedrooms;
- d. no portion of the 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, subject to the following:
- 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. Eaves and cornices may extend to a maximum of 1.5 metres beyond the heavy lines shown on Map 2;
 - iii. Balconies may extend to a maximum of 1.6 metres beyond the heavy lines shown on Map 2 as measured perpendicular to the exterior walls of the building;
 - iv. Despite 2(d)(i)-(iii) no fences are permitted in the area identified as the Publicly Accessible Landscaped Open Space as shown on Map 3; and
 - v. Despite 2(d)(i)-(iii) above, none of these projections shall encroach into the City right-of-way;
- e. the *height* of any building or structure, or portion thereof, does not exceed those *heights* as indicated by the numbers following the symbol H on the attached Map 2, with the exception of the following:
- i. Parapets, planters, guards, furnishings, railings and building elements or structures associated with the outdoor terrace may extend to a maximum of 1.8 metres above the *height* limit shown as H 21.4 metres and 1.2 metres above the *height* limit shown as H 19.7 metres on Map 2 and lighting fixtures may extend 4.9 metres the *height* limit shown as H 21.4 metres and H 19.7 metres on Map 2;
- f. a minimum of 380 square metres of *residential amenity space* – outdoor shall be provided on the *lot*;

- g. a minimum of 478 square metres of *residential amenity space* – indoor shall be provided on the *lot* in a multi-purpose room or rooms in the building;
 - h. notwithstanding the minimum dimensions of *bicycle parking* in Section 2(1) Definitions and Interpretations of By-law 438-86, if the *bicycle parking space - visitor* and/or *bicycle parking space – occupant* are provided in a stacked bicycle parking space, being a device that allows bicycle parking spaces to be positioned above or below one another with the aid of an elevating mechanism, the bicycle parking space shall have a minimum vertical dimension of 1.2 metres and the minimum horizontal dimensions shall be at least 0.43 metres width and 1.8 metres length or alternate dimensions if located within a pre-fabricated bicycle stacker device; and
 - i. a minimum of 113 residential *parking spaces* shall be provided on the *lot*; of which at least 6 *parking spaces* shall be *car share spaces*, and 11 visitor *parking spaces* shall be provided.
3. Pursuant to Section 37 of the *Planning Act*, the *height* and density 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 provisions by the owner of the *lot*, of the facilities, services and matters set out in Section 5 of this By-law, the provisions of which shall be secured in an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
 4. Upon execution and registration of an agreement or agreements with the *owner* of the *lot*, pursuant to Section 37 of the *Planning Act*, securing the provision of facilities, services and matters set out in Section 5 of this By-law, the *lot* is subject to the provisions of this By-law, provided that in the event 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.
 5. The facilities, services and matters set out in Appendix 1 are the matters required to be provided by the *owner* of the *lot* 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 City with conditions providing for indexing of the financial contributions, indemnity, insurance, HST, termination and unwinding, and registration and priority of the agreement.
 6. None of the provisions of By-law 438-86 shall apply to prevent a *temporary sales office* on the *lot*.
 7. Notwithstanding any severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division had occurred.

8. For the purposes of this By-law, all italicized words and expressions have the same meanings as described in By-law 438-86, as amended, with the exception that the following expressions shall have the following meanings:
- a. "*car sharing parking space*" means a parking space that is reserved and actively used for car sharing meaning the practice where a number of people share the use of one or more cars that are owned by a car-sharing organization and where such organization may require the use of cars to be reserved in advance, charge fees based on time and/or for kilometres drive, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
 - b. "grade" means 87.35 metres Canadian Geodetic Datum;
 - c. "*lot*" means the area delineated by heavy lines on Map 1 of this By-law;
 - d. "*owner*" means the registered owner of the *lot*; and
 - e. "*temporary sales office*" means a facility or trailer on the *lot* used for the purpose of the sale of the *dwelling units* to be erected on the *lot*.

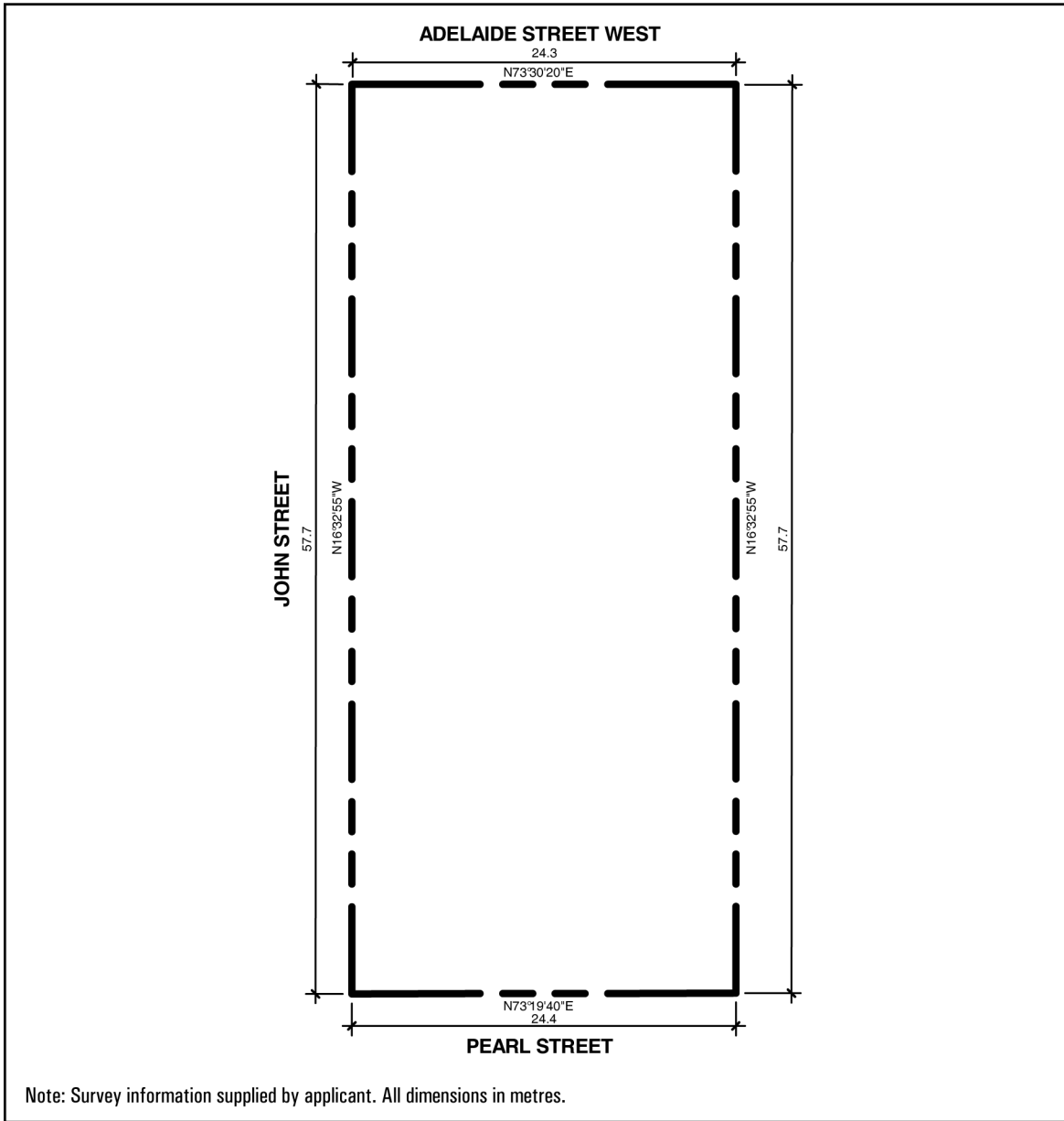
Ontario Municipal Board Decision/Order issued June 7, 2016 and Local Planning Appeal Tribunal Decision/Order issued April 20, 2018 in Board File PL150038.

Appendix 1
Section 37 Provisions

The facilities, services and matters set out below are required to be provide to the City of Toronto at the owner's expense in return for an increase in height and density of the development on the lands as shown on Map 1 in this By-law and secured in agreement or agreements under Section 37(3) of the *Planning Act*, whereby the owner agrees as follows:

Community Benefits

- i. Prior to issuance of the first above-grade building permit the owner shall provide a cash contribution to the City of Toronto in the amount of \$140,000 with such amount 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 of payment, for the maintenance of or the provision of new affordable housing in Ward 20;
- ii. Prior to issuance of the first above-grade building permit the owner shall provide a cash contribution to the City of Toronto in the amount of \$1,260,000 with such amount 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 of payment, for community services, facilities and/or parkland or park improvements in Ward 20 to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the General Manager, Parks, Forestry, and Recreation;
- iii. Provision and maintenance of works of public art in publicly accessible portions of the site, of a value not less than \$500,000, to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and
- iv. Construction, provision and maintenance of a publicly accessible landscaped open space on the John Street frontage of the site, with a minimum size of 406 square metres, generally as shown in Map 3 of this By-law, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, with construction to be completed prior to the earliest of 6 months from first occupancy or condominium registration, to be secured by means of an easement in favour of the City over the 406 square metres of publicly accessible landscaped open space (POPs) with no fencing or other physical barrier on the POPs that prevents members of the public to access, use, or enjoy the entirety of the POPs at all times, with such easement to be granted prior to the earliest of 6 months from first occupancy or condominium registration for any portion of the site, to the satisfaction of the City Solicitor.



283 Adelaide Street West

Map 1

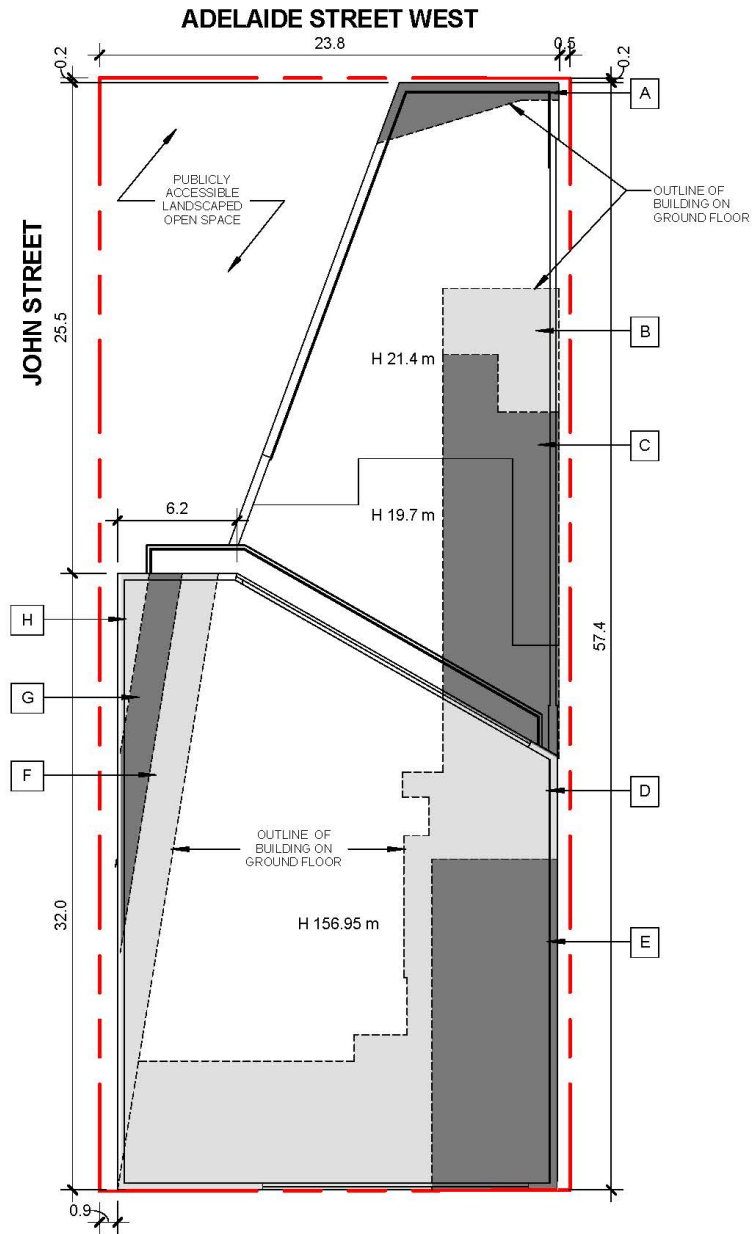
File # 12 107447 STE 20 0Z



Not to Scale
10/26/2015

LEGEND:

- A** NO LESS THAN 5.0m ABOVE GRADE AND SHALL BE NO GREATER THAN 21.4m IN HEIGHT.
- B** NO LESS THAN 3.0m ABOVE GRADE AND SHALL BE NO GREATER THAN 21.4m IN HEIGHT.
- C** NO LESS THAN 4.3m ABOVE GRADE AND SHALL BE NO GREATER THAN 21.4m IN HEIGHT.
- D** NO LESS THAN 4.3m ABOVE GRADE AND SHALL BE NO GREATER THAN 156.95m IN HEIGHT.
- E** NO LESS THAN 9.4m ABOVE GRADE AND SHALL BE NO GREATER THAN 156.95m IN HEIGHT.
- THE CANTILEVERED PORTION OF THE BUILDING SHALL COMMENCE:
- F** NO LESS THAN 19.0m ABOVE GRADE AND SHALL BE NO GREATER THAN 156.95m IN HEIGHT.
- G** NO LESS THAN 28.5m ABOVE GRADE AND SHALL BE NO GREATER THAN 156.95m IN HEIGHT.
- H** NO LESS THAN 37.5m ABOVE GRADE AND SHALL BE NO GREATER THAN 156.95m IN HEIGHT.



283 ADELAIDE STREET WEST
 PROPOSED ZONING MAP
 JUNE 20, 2016

ALL DIMENSIONS / SETBACKS IN METERS
 H DENOTES HEIGHT IN METERS ABOVE ESTABLISHED GRADE OF 87.35M



ZONING MAP 2

