

Authority: Ontario Municipal Board Decision/Order issued July 21, 2017 and Local Planning Appeal Tribunal Decision/Order issued November 30, 2018 in Board File PL140295

CITY OF TORONTO

BY-LAW 1350-2018(LPAT)

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to lands known municipally as 1181 and 1187 Queen Street West.

Whereas the Local Planning Appeal Tribunal pursuant to its order PL140295 issued on July 21, 2017, upon hearing the appeal of 1181 QSW Development Inc. under Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, deems it advisable to amend the former City of Toronto Zoning By-law 438-86 with respect to the lands municipally known in the year 2016 as 1181 and 1187 Queen Street West; 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 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;

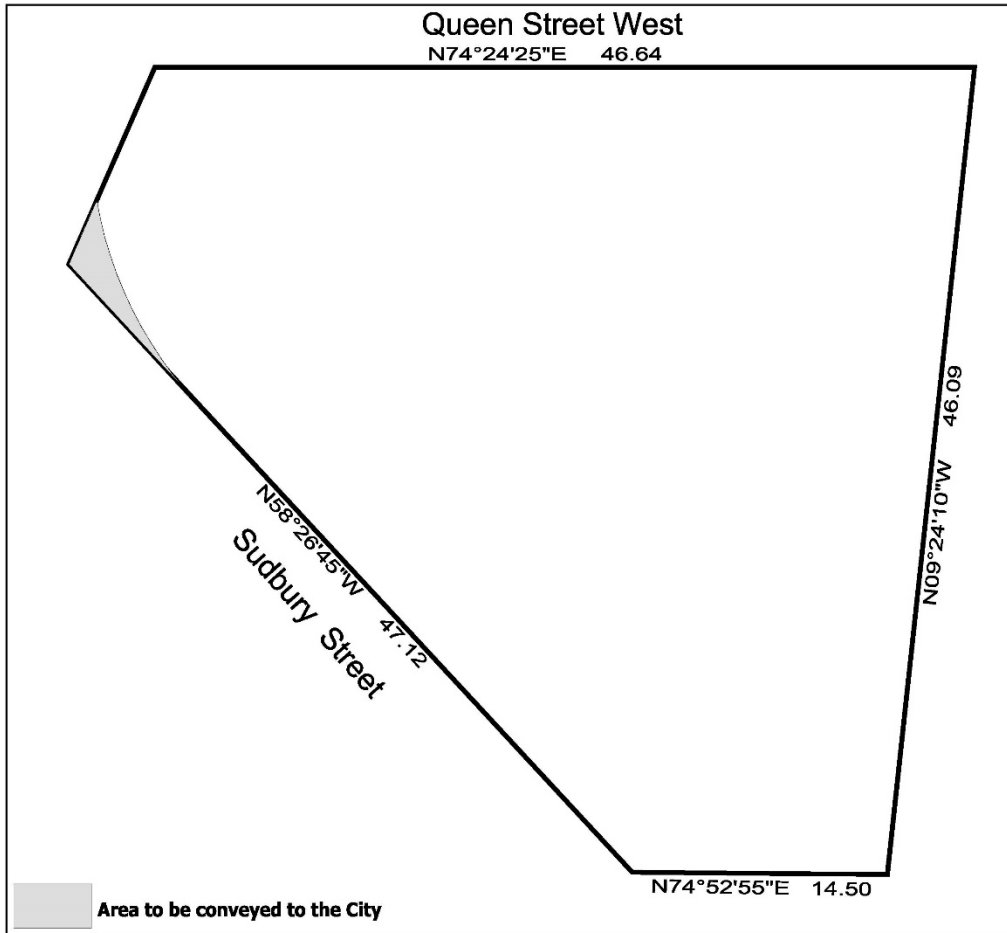
The Local Planning Appeal Tribunal orders that former City of Toronto By-law 438-86, as amended, is further amended as follows:

1. Pursuant to Section 37 of the Planning Act, the *height* and density of development permitted in this By-law on the *lot* are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision at the owner's sole expense and in accordance with and subject to the agreement referred to in Schedule A of this By-law.
2. 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 provisions of the facilities, services, and matters set out in Schedule A, the lot 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 requirements.

3. Wherever in the By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the Planning Act, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. None of the provisions of Sections 4(2)(a), 4(3)(a), 4(3)(b), 4(6)(b), 4(13), 8(3) PART I 1 and 3 of By-law 438-86, 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* and *accessory* uses thereto on the *lot* provided that:
 - (a) the *lot* on which the building is to be located comprises the lands within the heavy lines on Map 1, attached to and forming part of this By-law;
 - (b) the total aggregate *non-residential gross floor area* and *residential gross floor area* of any building or structure erected on the *lot* shall not exceed 12,400 square metres;
 - (c) a minimum of 680 square metres of *non-residential gross floor area* shall be provided on the *lot*;
 - (d) at least 10 percent of the dwelling units on the *lot* shall contain three or more bedrooms;
 - (e) no portion of any building or structure on the *lot* shall have a *height* in metres greater than the *height* limits specified by the numbers following the symbol H on Map 2 attached to and forming part of this By-law, except for the following:
 - (i) parapets; trellises; terrace or balcony guards and dividers; terraces; balconies; planters; stairs, stair enclosures, walls or structures enclosing such elements; stair towers; elevator over-run; partitions; screens; railings; fences; ornamental or architectural elements; landscape and green roof elements; lighting fixtures; outdoor furniture; and structures located on the roof used for outside or open air recreation, safety or wind protection purposes; which are permitted to extend no more than 2.5 metres above the applicable *heights* shown as the numbers following the H symbol on Map 2, providing that they do not exceed a maximum *height* of 49.05 metres;
 - (ii) parapets at the roof level of the building denoted by the H 49.05m symbol on Map 2, at the roof level of the mechanical penthouse denoted by the H 52.1m symbol on Map 2 and at the roof level of the mechanical penthouse denoted by the H 54.6m symbol on Map 2, which are permitted to extend no more than 0.6 metres above the applicable *heights* identified in this subsection; and

- (iii) window washing equipment; unenclosed heating, ventilation or cooling equipment such as chimneys, stacks, vents or flues; roof drainage, thermal insulation and roof ballast; elements of a green roof; access roof hatch; and rooftop safety equipment including railings and lightning rods;
- (f) no portion of any building or structure erected and used above *grade* on the *lot* is located otherwise than wholly within the areas delineated by heavy lines shown on Map 2 attached to and forming part of this By-law, except for the following:
 - (i) cornices, light fixtures, ornamental elements, parapets, art and landscape features, patios, decks, pillars, trellises, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, and underground garage ramps and associated structures; and
 - (ii) balconies, which may project a maximum of 1.8 metres measured perpendicularly from the wall to which they are attached;
- (g) notwithstanding Section 4(12) *residential amenity space* shall be provided in accordance with the following, and may be contained within a multi-purpose room or rooms which are not contiguous:
 - (i) a minimum 2.0 square metres of indoor *residential amenity space* per *dwelling unit* shall be provided on the *lot*; and
 - (ii) a minimum of 1.1 square metres of outdoor *residential amenity space* per *dwelling unit* shall be provided on the *lot*;
- (h) parking *spaces* shall be provided and maintained on the *lot* in accordance with the following minimum requirements:
 - (i) 0.5 parking *spaces* for each bachelor or 1 bedroom *dwelling unit*;
 - (ii) 0.75 parking *spaces* for each 2 bedroom *dwelling unit*;
 - (iii) 1.0 parking *spaces* for each *dwelling unit* containing 3 bedrooms or more;
 - (iv) 0.06 parking *spaces* for residential visitors; and
 - (v) no parking *spaces* are required for non-residential uses;
- (i) the maximum number of *car-share parking spaces* shall be 2;
- (j) for each *car-share parking space* provided on the lot, the minimum number of required residential *parking spaces* shall be reduced by 4 *parking spaces*;
- (k) bicycle *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:

- (i) a minimum of 0.75 *bicycle parking spaces - occupant*, shall be provided and may be located within storage lockers; and
 - (ii) a minimum of 0.1 *bicycle parking spaces - visitor* shall be provided;
 - (l) one loading *space - type G* shall be provided and maintained on the *lot* and shall be located internal to the building.
5. None of the provisions of By-law 438-86 shall apply to prevent a *sales office* on the *lot*.
6. For the purpose of this By-law:
- (a) "*car-share*" car-share means the practice whereby a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization, such car-share motor vehicles to be made available for short term rental, including hourly rental. Car-share organizations may require that the car-share motor vehicles be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
 - (b) "*car-share parking space*" means a *parking space* exclusively reserved and used only for *car-share* purposes whereby the vehicle is accessible to at least the occupants of the buildings;
 - (c) "*grade*" shall mean 91.37 metres Canadian Geodetic Datum;
 - (d) "*height*" shall mean the vertical distance between *grade* and the highest point of the building or structure, excluding permitted projections identified in section 4(e) of this By-law;
 - (e) "*lot*" means the parcel of land outlined by heavy lines on Map 1 attached to and forming part of this By-law;
 - (f) "*sales office*" means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*; and
 - (g) each other word or expression that is italicized in this By-law shall have the same meaning as that word or expression as defined in By-law 438-86, as amended.
7. Despite any existing or future severance, partition or division of the lot, the provisions of this by-law shall apply to the whole lot as if no severance, partition or division occurred.



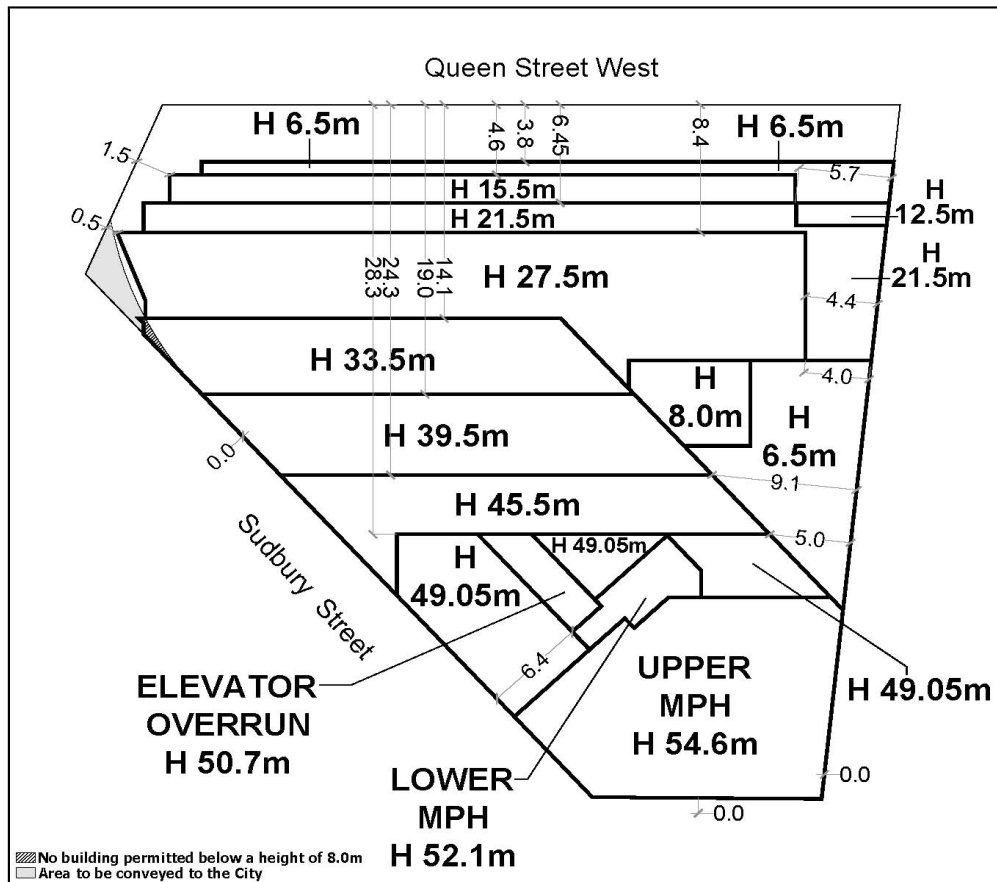
1181 Queen Street West, Toronto

Map 1

File #15 _____



Not to Scale



1181 Queen Street West, Toronto

Map 2

File #15 _____



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 *lot* as shown in Map 1 of this By-law 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 for the *lot* (other than a building permit for a temporary sales office/pavilion) the *Owner* shall provide a financial contribution to the City to be used for the following community benefits in the amount of five hundred and fifty thousand dollars (\$550,000), consistent with the Ward Councillor's request:
 - i. \$275,000 towards the provision and maintenance of public art at Lisgar Park in accordance with the Percent for Public Art Guidelines, to the satisfaction of the Chief Planner and Executive Director of City Planning in consultation with the General Managers of Parks, Forestry and Recreation and Toronto Culture;
 - ii. \$275,000 towards the provision of a playground or public art at the Privately-Owned Public Open Space on the property known municipally as 1171 Queen Street West which can be allocated to public art or a playground, at the discretion of the Chief Planner and Executive Director of City Planning in consultation with the Ward Councillor and the residents at 1171 Queen Street West; and
 - iii. In the event that the full amount listed in i. or ii. above is not required for the specified purpose, then the surplus amount may be directed towards another community benefit listed in i. or ii. above, at the discretion of the Chief Planner and Executive Director of City Planning.

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 execution of the Section 37 Agreement to the date the payment is made.

- (2) The *Owner* shall submit a pedestrian level wind study and shall incorporate into the building design any measures that may be required to mitigate the impact of wind conditions to the satisfaction of the Chief Planner and Executive Director of City Planning, to be considered through the Site Plan Control approval process.
- (3) The *Owner* shall demonstrate that the building materials palette appropriately responds to the adjacent heritage-designated Gladstone Hotel and shall incorporate into the building construction such materials as may be required to address this adjacency to the satisfaction of the Chief Planner and Executive Director of City Planning, to be considered through the Site Plan Control approval process.
- (4) The *Owner* shall submit detailed functional servicing and hydrogeological reports together with site servicing and grading plans to the satisfaction of the Chief Engineer and Executive Director of Engineering & Construction Services, to be considered through the Site Plan Control approval process.

- (5) The *Owner* shall be financially responsible for all costs associated with the excavation, improvement, removal and/or relocation of any above or below-grade public or private utility resulting from the development of the *lot*.
- (6) In the event the financial contribution(s) has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the financial 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 purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the *lot*.