

Authority: Ontario Municipal Board Decision issued August 31, 2017 and Local Planning Appeal Tribunal Order issued December 31, 2018 in Tribunal File PL160615

## **CITY OF TORONTO**

### **BY-LAW 397-2019(LPAT)**

#### **To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2016 as 59-71 Mutual Street.**

Whereas after hearing an appeal under subsection 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, the Ontario Municipal Board, by its decision issued on August 31, 2017 and Local Planning Appeal Tribunal by its Order issued December 31, 2018, in respect of Tribunal File PL160615, approved amendments to City of Toronto By-law 569-2013, as amended, with respect to lands municipally known as 59-71 Mutual Street; and

Whereas the Official Plan for 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, a by-law under Section 34 of the Planning Act, may authorize increases in the height and 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 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 provide facilities, services and matters in return for an 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 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 569-2013, 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:

- 1.** The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
- 2.** The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
- 3.** Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 4.0 (c0.5 r4.0) SS1 (x121), as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 121 so that it reads:

Exception CR (121)

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 59-71 Mutual Street, if the requirements of By-law 397-2019(LPAT) are complied with, none of the provisions of 40.5.40.10, 40.10.40.10(1), 40.10.40.10(5), 40.10.40.40(1), 40.10.40.50(1), 40.10.40.60(1), 40.10.40.70(1), 200.5.1.3(A), 200.5.10.1(1), and 200.15.1.5(1), 600.10.10(1)(A) and (F) apply to prevent the erection or use of a **building, structure**, addition or enlargement permitted in By-law 397-2019(LPAT);
- (B) Despite article 40.10.20, the only permitted use is **dwelling units** in an **apartment building**;
- (C) Height is measured as the vertical distance between the Canadian Geodetic Datum elevation of 88.25 metres and the highest point of the **building or structure**;
- (D) The height of any **building or structure** above grade as defined in (C) above must not exceed the maximum height in metres as indicated by the numbers following the letters "HT" as shown on Diagram 3 of By-law 397-2019(LPAT);
- (E) Despite (D) above the following may exceed the height indicated by the numbers following the letter "HT" as shown on Diagram 3 of By-law 397-2019(LPAT) by a maximum of 2.0 metres: parapets, guard rails, railings and dividers, pergolas, trellises, eaves, screens, roof drainage, window washing equipment, lightning rods, architectural features, **landscaping**, roofing systems, elements of a **green roof**, antennae, mechanical screens and all of the elements for the functional operation of the building as listed in Section 40.5.40.10(4)(A), (B) and (C), but none of the foregoing may exceed a height of 103.8 metres above grade as defined in (C) above;
- (F) No building or structure may exceed the maximum height permitted by Ontario Regulation 114/16;
- (G) The minimum height of the first **storey**, measured between the floor of the first **storey** and the ceiling of the first **storey**, is 4.0 metres;
- (H) The total **gross floor area** of all **buildings** and **structures** must not exceed a maximum of 18,050 square metres;
- (I) **Amenity space** must be provided and maintained in accordance with the following:

- (i) a minimum of 650 square metres of indoor **amenity space**;
  - (ii) a minimum of 350 square metres of outdoor **amenity space** which must be in a location adjoining or directly accessible to the indoor **amenity space**; and
  - (iii) a maximum of 35 percent of the required outdoor **amenity space** area may be provided as **soft landscaping** or **green roof**;
- (J) No portions of a **building** or **structure** above grade can extend beyond the areas delineated by heavy lines on Diagram 3 of By-law 397-2019(LPAT), with the exception of:
- (i) the permitted encroachments listed in Clause 40.5.40.60;
  - (ii) cornices, light fixtures, ornamental elements, parapets, art and **landscaping** features, architectural flutes, patios, pillars, pergolas, trellises, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, window washing equipment, all to a maximum of 1.0 metre; and
  - (iii) balconies projecting a maximum distance of 2.0 metres, except that:
    - a. No balcony projections are permitted on the east and west sides of the **building** up to a height of 33 metres, and
    - b. No balconies may project beyond the edge of the area subject to a 15.5-metre height limit as shown on Diagram 3 of By-law 397-2019(LPAT);
- (K) Despite Section 40.10.40.80(1)(A), the required minimum above ground distance between **main walls** with windows, on the third and fourth storeys is 4.0 metres;
- (L) **Parking spaces** must be provided in accordance with the following:
- (i) a minimum of 38 **parking spaces** for the **dwelling units**;
  - (ii) a minimum of 17 **parking spaces** for visitors to the **dwelling units**;
  - (iii) car-share **parking spaces** may be provided in addition to the **parking spaces** required in (i) and (ii) above;
  - (iv) Despite section 200.5.1.10(2)(B)(i), a maximum of 6 **parking spaces** may have a minimum length 5.4 metres;
  - (v) Despite section 200.5.1.10(2)(B)(iv), a maximum of 4 **parking spaces** that are obstructed, as defined in Section 200.5.1.10.2(D), must have a minimum width of 2.45 metres;

- (vi) Despite sections 200.5.1.10(2)(A)(iv) and 200.5.1.10(2)(B)(ii), all **parking spaces** that are not obstructed, as defined in Section 200.5.1.10.2(D), must have a minimum width of 2.6 metres;
  - (vii) all **parking spaces** must be accessed from a **drive aisle** with a minimum width of 5.5 metres; and
  - (viii) a minimum of one accessible **parking space** must be provided and must be located in the underground parking structure within 20 metres of the elevator lobby, as measured along the shortest pedestrian path between the **vehicle** and the door to the elevator lobby, and with level access to the elevator lobby;
- (M) The required **bicycle parking spaces**:
- (i) must have a minimum width of 0.4 metres;
  - (ii) must have a minimum height of 1.1 metres; and
  - (iii) may be **stacked bicycle parking spaces**; and
- (N) A minimum of 10 percent of the total number of **dwelling units** must contain a minimum of three bedrooms.

Prevailing By-laws and Prevailing Sections: (None Apply)

## 5. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out below and which are 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 lands, to the satisfaction of the City Solicitor;
- (B) Where 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;
- (C) 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 the following provisions are satisfied;
- (D) Twelve (12) rental housing replacement units shall be provided:
  1. replacement rental units shall be provided and maintained on the lot in accordance with the following conditions:


- i. The owner shall provide and maintain on the lot twelve (12) replacement rental units, comprised of three (3) one-bedroom units and nine (9) two-bedroom units for a period of at least twenty (20) years commencing with the first occupancy of each such unit, as generally shown on the plans submitted to the City Planning Division prepared by RAW Design, dated October 13, 2016 and September 28, 2016. Any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
  - ii. The owner shall provide and maintain:
    - a. at least two (2) of the three (3) required one-bedroom replacement rental units and at least five (5) of the nine (9) required two-bedroom replacement rental units at affordable rents; all for a period of at least ten (10) years commencing with the first occupancy of each such rental unit;
    - b. an additional one (1) of the three (3) required one-bedroom replacement rental units and an additional three (3) of the nine (9) required two-bedroom replacement rental units at rents not exceeding mid-range rents; all for a period of at least ten (10) years commencing with the first occupancy of each such rental dwelling unit; and
    - c. an additional one (1) of the nine (9) required two-bedroom replacement rental units at unrestricted rents;
  - iii. Air conditioning will be provided in all replacement rental units;
  - iv. Ensuite laundry will be provided in all replacement rental units;
  - v. In addition to access facilities, tenants of the replacement rental units shall have access to all indoor and outdoor amenities on the lot at no additional cost to such tenants, bicycle parking (occupant and visitor) and visitor parking on the lot, all on the same terms and conditions as other residents of the building; and
2. The owner shall provide tenant relocation and assistance to all eligible tenants of the buildings existing on the lot on the date of this By-law, including the right to return to a replacement rental unit on the lot, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division.



 **TORONTO**  
Diagram 1

59-71 Mutual Street

File # 15 264025 STE 27 02

  
City of Toronto By-Law 569-2013  
Not to Scale  
02/25//2018

