

Authority: Ontario Municipal Board Decision issued on April 25, 2016 and Local Planning Appeal Tribunal Order issued on October 26, 2018 in Tribunal Case PL141454

CITY OF TORONTO

BY-LAW 1222-2019(LPAT)

To amend the former City of Etobicoke Zoning Chapters 320, 324 and 340, as further amended by area-specific Zoning By-law 174-2003 with respect to only those lands municipally known as 251 Manitoba Street (formerly 2 Algoma Street) on the southwest corner of Manitoba Street and Legion Road North and known as "Parcel F" in Mystic Pointe.

Whereas the Ontario Municipal Board, by its Decision issued April 25, 2016 and the Local Planning Appeal Tribunal by its Order issued on October 26, 2018, in Tribunal File PL141454 determined to amend the former City of Etobicoke Zoning Code and area specific Zoning By-law 174-2003 with respect to the lands municipally known as 251 Manitoba Street (the "Lands") and 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 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 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 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;

Therefore the Etobicoke Zoning Code, as amended, is hereby further amended by the Local Planning Appeal Tribunal:

1. The Zoning Maps referred to in Section 320-5, Article II of the Zoning Code, originally attached to Township of Etobicoke By-law 11,737 and Town of Mimico By-law 1930, and now attached to Schedule 'A' of Zoning By-law 174-2003, are hereby further amended to rezone only those lands with the zone symbol Sixth Density Residential (R6) and referred to as "Parcel F" as described on Schedule 'A', attached to this By-law.

2. Notwithstanding the Etobicoke Zoning Code and By-law 174-2003, the following provisions and development standards shall apply to the lands described on Schedule 'A', attached to this Bylaw.

3. Definitions

The provisions of Section 304-3 Definitions of the Zoning Code shall apply unless inconsistent with the provisions of this By-law. For the purposes of this By-law, the following definitions shall apply:

"Building Envelope" – shall mean the building area permitted within the setbacks established in the By-law, as shown on Schedule 'B', attached to this By-law.

"Car-share" – shall mean the practice where 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 kilometers driven and set membership requirements of the car-sharing organization, including the payment of membership fee that may or may not be refundable.

"Car-share parking space" – shall mean a parking space exclusively reserved and signed for a car used only for *car-share* purposes.

"Established Grade" – shall mean 89.23 metres Canadian Geodetic Datum.

"Green Roof" – shall mean an extension to a building's roof that allows vegetation to grow in a growing medium and which is designed, constructed and maintained in compliance with the Toronto Green Roof Construction Standard set out in Chapter 492 of the City of Toronto Municipal Code.

"Gross Floor Area" – shall mean the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, but excluding *Indoor Amenity Space* up to 2 square metres per dwelling unit; unenclosed balconies, parking, loading and bicycle parking at above or below established grade, storage rooms and rooms for storage lockers, washrooms, utility rooms, shower and change facilities required by this By-law for required bicycle parking spaces; garbage shafts; *Mechanical Floor Area*; and exit stairwells in the building.

"Height" – shall mean the vertical distance between *Established Grade* of the *Lands* which is defined as 89.23 metres Canadian Geodetic Datum and the highest point of the building except that the following may exceed the maximum permitted height, as specified on Schedule "B":

- (i) Equipment used for the functional operation of a building such as, elevator overruns, stairs, structures or parts of the building such as enclosed stairwells and or stair enclosures, roof access, and telecommunications.

- (ii) Notwithstanding the foregoing clause, the maximum building *Heights* permitted on the *Lands* shown on Schedule 'B', attached hereto, shall also exclude eaves, cornices, curbs, awnings, architectural features, *Green Roof* elements and/or assemblies, landscape features, trellises, parapets, ornamental structures, balustrades, window sills, outside or open air recreation, privacy screens, mechanical and architectural screens, screens for safety or wind protection purposes, guardrails, landscaping, public art features, lighting rods, lighting fixtures, patios, pillars wheelchair ramps railings and dividers, roof drainage, window washing equipment, maintenance of equipment storage, equipment used for the functional operation of a building such as, lightning rods, chimneys, exhaust flues and vents, stacks, decks, doors, fences and structures or parts of the building as associated with an entrance or exit from an underground parking garage, roof access, and maintenance and equipment storage.

"Indoor Amenity Space" – shall mean indoor space in a building that is communal and is provided for use by occupants of a building and their guests, on the *Lands* for recreational or social activities.

"Lands" – shall mean the parcel of land outlined by heavy lines on Schedule 'A' attached to this By-law.

"Mechanical Floor Area" – shall mean a room or enclosed area, including its enclosing walls, within a building or structure above or below grade that is used exclusively for accommodation of heating, cooling, ventilating, electrical, mechanical (other than escalators), mechanical penthouse, elevator shafts, or telecommunications equipment that serves only such building.

"Minor Projections" – shall mean minor building elements which may project from the main wall of a building into required setbacks beyond the *Building Envelope* on Schedule 'B', attached to this By-law, including architectural elements, roof access, ornamental elements, balustrades, patios, trellises, parapets, public art and landscape features, eaves, cornices, awnings and canopies, window sills, light fixtures, privacy screens, and stairs, enclosed stairwells and or stair enclosures associated with an entrance or exit to from an underground parking garage, vents and exhaust flues, telecommunications equipment, railings and guard rails, dividers, roof drainage, and window washing equipment, and terraces and balconies to a maximum projection of 1.8 metres.

"Outdoor Amenity Space" – shall mean outdoor space on the *Lands* located at grade or on a landscaped roof of a building that is communal and is provided for use by occupants of the building and their guests for recreational or social activities.

"Temporary Sales Office" – shall mean a building, structure, facility or trailer on the *Lands* used for the purpose of the sale of dwelling units to be erected on the *Lands*.

"Tower Floor Plate"-shall mean the floor area of each floor measured from the outside of the exterior walls excluding projecting balconies.

4. Permitted Uses

No buildings or structures shall be erected or used on the *Lands*, except for the following uses:

- (a) Apartment building, townhouses, *Outdoor Amenity Area* and pedestrian walkways, park and open spaces.
- (b) A *Temporary Sales Office* and associated parking area (for a maximum period of 3 years).
- (c) Accessory Uses and Structures, including any of the Accessory Structures permitted under Section 320.76F of the Etobicoke Zoning Code.

5. Density

- (a) Notwithstanding Section 2(a) and (c) of By-law 174-2003, the maximum *Gross Floor Area* permitted on the *Lands* shall be 34,750 square metres.
- (b) The maximum Floor Space Index (FSI) permitted on the *Lands* shall be 4.4 times the area of the lot.
- (c) Notwithstanding Section 2(a) and (c) of By-law 174-2003, a maximum of 499 residential units shall be permitted on the *Lands*. A minimum of 10 percent of the residential units shall be designed as larger suites with a minimum of two bedrooms plus den.

6. Maximum Height

- (a) Notwithstanding Section 2(a) of By-law 174-2003, the maximum building *Height* to be permitted on the *Lands* shall be shown following the letter H. The mechanical penthouse shall be a maximum of 6 metres in addition to the permitted *building height* as shown on Schedule 'B', attached to this By-law.

7. Setbacks/Floor Plate Restrictions/Building Envelopes

- (a) No portion of any building or structure which is located above the finished exterior ground level immediately adjoining such building or structure on the *Lands* shall be located other than within the *Building Envelope* as shown on Schedule 'B', attached to this By-law.
- (b) Notwithstanding the foregoing, above-grade structures/buildings shall maintain a building setback of 6 metres from the westerly and easterly property line of the *Lands*.
- (c) Clause 2(s) of By-law 174-2003 shall continue to apply allowing underground structures to maintain a 0 metre setback on the *Lands*.

- (d) The maximum floor plate area for the Tower shall be as shown on Schedule 'B', attached to this By-law.

8. Parking, Loading and Bicycle Parking Requirements

Notwithstanding the provisions of Section 320-18B and Section 320-76 G of the Zoning Code, and Section 2(o) of By-law 174-2003, the following requirements shall apply to the *Lands*:

- (a) Vehicle parking for residential uses shall be provided on the *Lands* at a minimum ratio of:
 - (i) 0.8 parking spaces for each bachelor dwelling unit;
0.9 parking spaces for each one bedroom dwelling unit;
1.0 parking spaces for each two bedroom dwelling unit; and
1.2 parking spaces for each dwelling unit having three or more bedrooms.
 - (ii) A minimum of 0.2 parking spaces per residential dwelling unit shall be provided for the exclusive use of visitors.
- (b) A minimum of one parking space for every 100 parking spaces, or part thereof, shall be provided on the *Lands* for use by the physically disabled.
- (c) Loading spaces shall be provided on the *Lands* as follows:
 - (i) A minimum of one loading space with dimensions of 13 metres in length by 4.0 metres in width and a vertical clearance of 6.1 metres; and
 - (ii) A minimum of one loading space with dimensions of 6.0 metres in length by 3.5 metres in width and a vertical clearance of 3.0 metres.
- (d) A minimum of 2 *car-share parking spaces* shall be provided and maintained wholly on the *Lands* or within the *Building Envelopes* or underground parking garage, subject to the provisions of a Section 37 Agreement.
- (e) Bicycle parking spaces shall be provided on the *Lands* as follows:
 - (i) Long-term bicycle parking spaces will be provided at a minimum ratio of 0.68 parking spaces for each dwelling unit. Short-term bicycle parking spaces will be provided at a minimum ration of 0.07 parking spaces for each dwelling unit.

9. Amenity Space Requirements

The following amenity space requirements shall apply to the *Lands*:

- (a) a minimum of 2.0 square metres for each dwelling unit of *Indoor Amenity Space* shall be provided and shall contain a minimum of one kitchen and one washroom facility; and
- (b) a minimum of 2.0 square metres for each dwelling unit of *Outdoor Amenity Space* shall be provided, of which a minimum of 40 square metres shall be directly adjoining and accessible to *Indoor Amenity Space*.

10. 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 Schedule 'B' in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule 'C' to this By-law 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 Schedule 'C' 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.
- (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 all provisions of Schedule 'A', attached to this By-law, are satisfied.

11. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, as amended by Zoning By-law 174-2003, the provisions of this By-law shall apply.

12. Notwithstanding any severance, partition, or division of the *Lands*, the provisions of this By-law shall apply to the whole of the *Lands* as if no severance, partition or division occurred.

13. Within the lands shown on Schedule 'A', attached to this By-law, 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:

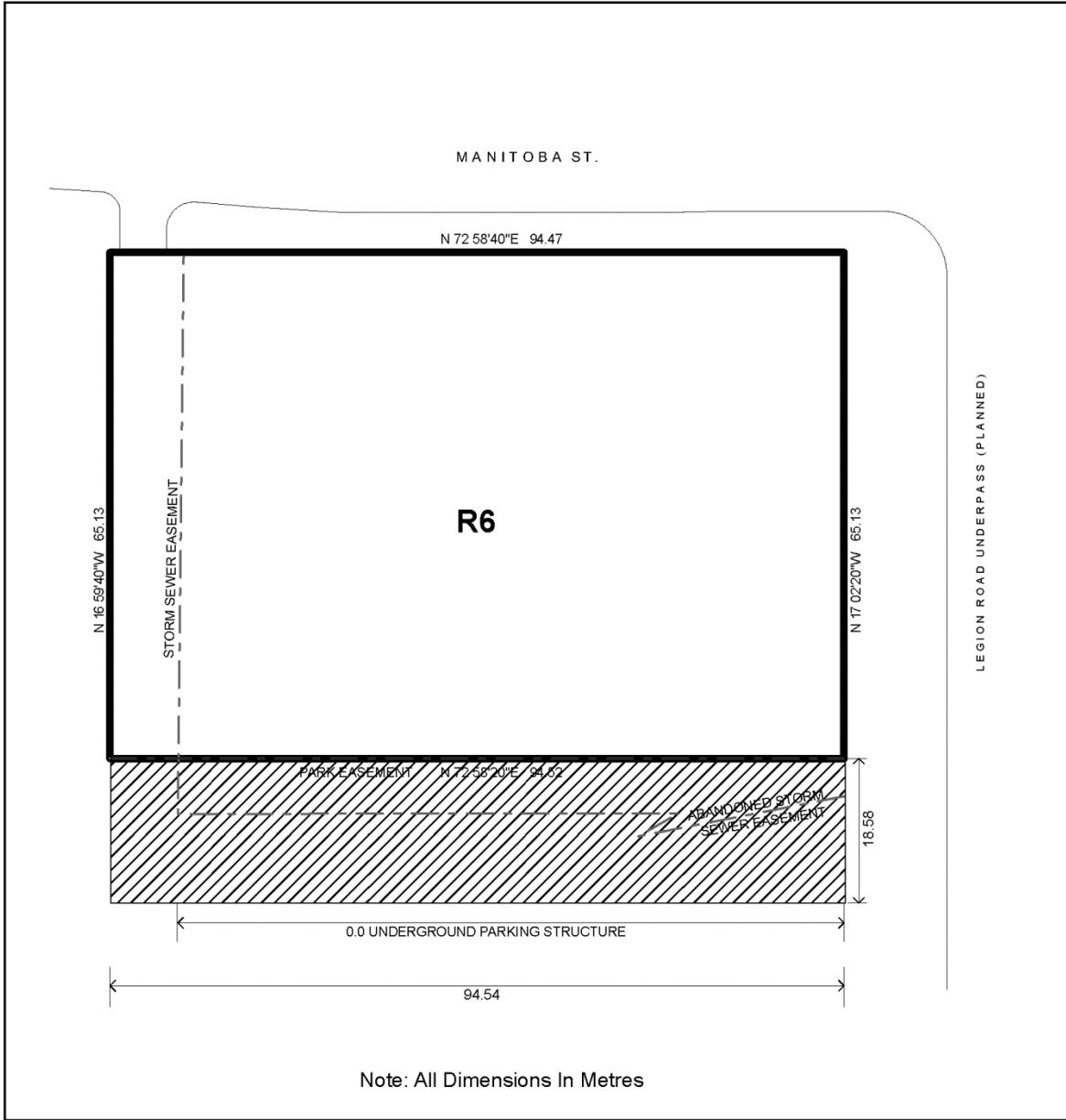
- (a) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

14. Chapter 324, Site Specifics of the Zoning Code is hereby amended to include reference to this By-law by adding the following Section 324-1, Table of Site Specific By-laws:

City of Toronto By-law 1222-2019 (LPAT)

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF THE BY-LAW
1222-2019(LPAT) October 26, 2018	Lands located on the south side of Manitoba Street, west side of Legion Road North and municipally known as 251 Manitoba Street (formerly 2 Algoma Street)	To provide site-specific standards to regulate the development of a 87 metre residential building (93 metre including mechanical penthouse), a 35 metre residential building (41 metre including mechanical penthouse); with a maximum 13.5 metre podium zoned R6 and known as "Parcel F" (Mystic Pointe).

Ontario Municipal Board and Local Planning Appeal Tribunal Decision/Order issued on April 25, 2016 and October 26, 2018 in Tribunal File PL141454.



 **TORONTO**
Schedule A

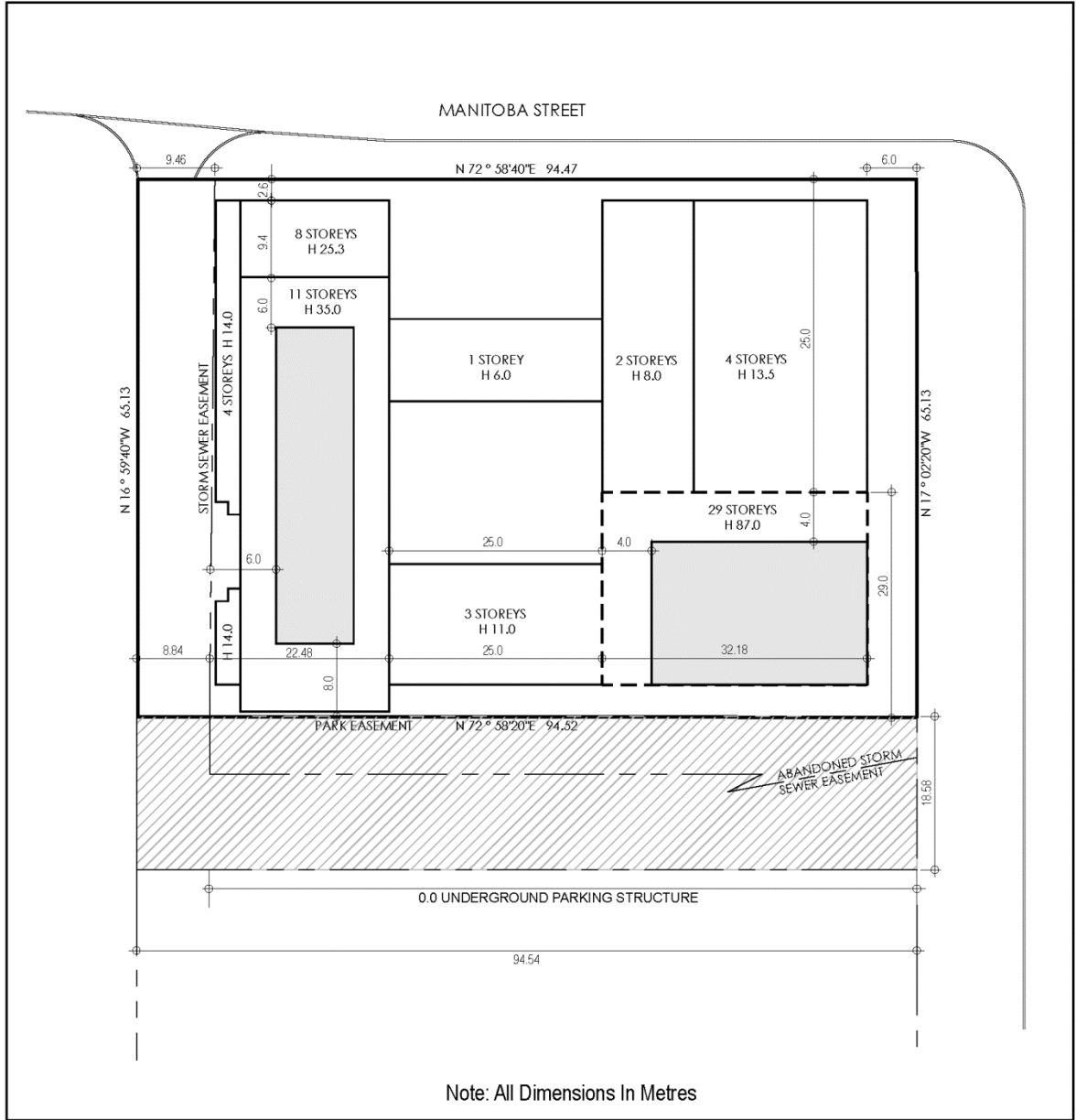
251 Manitoba Street
(Parcel F)

File # 13 253075 WET 06 0Z

 Parkland Dedication




Not to Scale
 06/20/2018




TORONTO
Schedule B

251 Manitoba Street
(Parcel F)

File # 13 253075 WET 06 02

 Denotes Tower Component: 29-Storeys - (H 87.0)
Tower Plate Area is a maximum of 750m²

 Parkland Dedication

 Denotes Mechanical Penthouse: (H 6.0)
Mechanical Floor Area is a maximum of 650m²



Not to Scale
06/20/2018

Schedule 'C'
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 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 the owner shall provide a cash contribution of One Million, Two Hundred Thousand Dollars (\$1,200,000.00), as a contribution to be used for capital improvements to Grand Avenue Park, Mimico Creek Trail and/or Public Art within the Mystic Pointe community.
- (2) The amount set out in Section 1 above, shall be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

As a legal convenience, the following matters shall be secured in the Section 37 Agreement:

- (3) Over and above required automobile parking spaces, the provision on site of two Car Share parking spaces for a period not less than 20 years (subject to satisfactory arrangements being entered into with a car share operator);
- (4) The owner shall construct and maintain the development in accordance with Tier 1 performance standards of the Toronto Green Standard as adopted by Toronto City Council at its meeting of October 26 and 27, 2009;
- (5) The owner shall construct and maintain the development in accordance with the Environmental Noise Feasibility Study, dated February 23, 2018, and Addendum 1 to the Environmental Noise Feasibility Study, dated August 17, 2018 all prepared by Valcoustics Canada Limited, which identifies that: warning clauses in offers of purchase and sale are required for all residential units; exterior wall construction meeting a minimum Sound Transmission Class (STC) of 54 and exterior windows meeting a minimum STC of 35; and a sound barrier with a minimum height of 2.4 metres on top of the four-storey podium of the 29 storey tower, being the fifth storey, at the north and east limits of said podium and a sound barrier with a minimum height of 2.4 metres on the top of the three-storey podium adjacent to the 29 storey tower, being the fourth storey, at the south limit of the adjacent podium, must be provided to the satisfaction of the Chief Planner;
- (6) The owner shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues;
- (7) The owner shall enter into a financially secured Development Agreement for the construction of any improvements to the existing municipal infrastructure, should it be determined that upgrades are required to infrastructure to support this development; and

- (8) In the event the cash contribution referred to in Section 1 above, has 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 purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.