

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

CITY OF TORONTO

BY-LAW 1223-2019(LPAT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2017 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 approved amendments to the City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands municipally known as 251 Manitoba Street (formerly 2 Algoma Street); and

Whereas the Local Planning Appeal Tribunal has the authority to 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 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 lot 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 lot 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; and

Whereas pursuant to Section 39 of the Planning Act, a by-law passed under Section 34 of the Planning Act, may authorize the temporary use of land, buildings, or structures for any purpose set out therein that is otherwise prohibited by the by-law; and

Therefore Zoning By-law 569-2013, as amended, is hereby further amended by the Local Planning Appeal Tribunal:

1. The lot 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 lot outlined by heavy black lines to RA (U499)(x87), as shown on Diagram 2 attached to this By-law.
4. "Car-share" – means 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" – means a parking space exclusively reserved and signed for a car used only for *car-share* purposes.
5. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.7.10 Exception Number 87 so that it reads:

Exception RA(U499)(x87)

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) If Section 7 and Schedule A of By-law 1223-2019(LPAT) are complied with regulations 15.5. 30.40; 15.5.40.10; 15.5.40.40; 15.5.40.50; 15.5.40.60; 15.5.50; 15.5.80; 5.10.40.70; 15.10.30.20; 15.10.30.40; 15.10.40.10; 15.10.40.80 do not apply to prevent the use or erection of a building or structure if regulation (B) to (O) below are complied with;
- (B) No portion of any building or structure erected or used above grade is located otherwise than wholly within the areas delineated by heavy lines on Diagram 2, attached to this By-law;
 - (i) Those portions of a building or structure below grade are required to be setback from the lot line.
- (C) Despite (B) above, the following elements may encroach into a required **building setback** shown on Diagram 3 of By-law 1223-2019(LPAT); architectural elements, ornamental elements, balustrades, eaves, cornices, awnings and canopies, window sills, light fixtures, stairs and or stair enclosures associated with an entrance or exit to from an underground parking garage, vents and exhaust flues, and balconies, to a maximum of 1.8 metres;

- (D) No portion of any building or structure erected or used above grade may exceed the height limits specified by the numbers following the symbol "H" as shown on Diagram 2 of By-law 1223-2019(LPAT);
- (E) Despite (D) above, the following elements of a building may exceed the maximum building height architectural features, green roof elements and/or assemblies, trellises, parapets, antennae, satellite dishes, electrical utility, ornamental structures, open air recreation, privacy screens, mechanical and architectural screens, screens for safety or wind protection purposes, guardrails, lighting fixtures, window washing equipment, lightning rods, chimneys, exhaust flues and vents, stacks, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, vents, and water supply facilities;
- (F) The maximum **gross floor area** permitted on the lands is 34,750 square metres.
- (G) The maximum floor space index permitted on the lands is 4.4 times the area of the **lot**.
- (H) A maximum of 499 **dwelling units** are permitted, of which a minimum of 10 percent must be larger **dwelling units** with a minimum of two bedrooms plus den.
- (I) **Maximum Height**
- (a) Despite the Height provisions of By-law 569-2013 Section 15.5.40.10, the maximum building *Height* to be permitted on the *Lands* shall be shown following the letter H. The mechanical penthouse must be a maximum of 6 metres in addition to the permitted *building height* as shown on Diagram 3, attached to this By-law.
- (J) **Parking Spaces** for residential uses must be provided at a minimum rate 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** must be provided as visitor **parking spaces**.
- (iii) A minimum of one **parking space** for every 100 **parking spaces**, or part thereof, must be provided for use by the physically disabled.
- (K) A maximum of 2 car-share **parking spaces** may be provided and maintained on the **lot**, subject to the provisions of a Section 7 and Schedule 'A' of By-law 1223-2019(LPAT).
- (L) A minimum of two loading spaces must be provided, in accordance with the following minimum requirements:

- (i) one Type "C" loading space; and
 - (ii) one Type "G" loading space.
- (M) Despite regulations 230.5.10.1(2) and (5) **bicycle parking spaces** must be provided as follows:
- (i) Long-term **bicycle parking spaces**, at a minimum rate of 0.68 **bicycle parking spaces** for each dwelling unit; and
 - (ii) Short-term **bicycle parking spaces**, at a minimum rate of 0.07 **bicycle parking spaces** for each dwelling unit; and
- (N) **Amenity space** must be provided as follows:
- (i) a minimum of 2.0 square metres of indoor **amenity space** for each **dwelling unit** and it must contain a kitchen and washroom facility; and
 - (ii) a minimum of 2.0 square metres of outdoor **amenity space** for each **dwelling unit** and a minimum of 40 square metres must be directly adjoining and accessible to the indoor **amenity space**.
- (O) A Temporary Sales Office and associated **parking spaces** may be permitted for a period of 3 years.

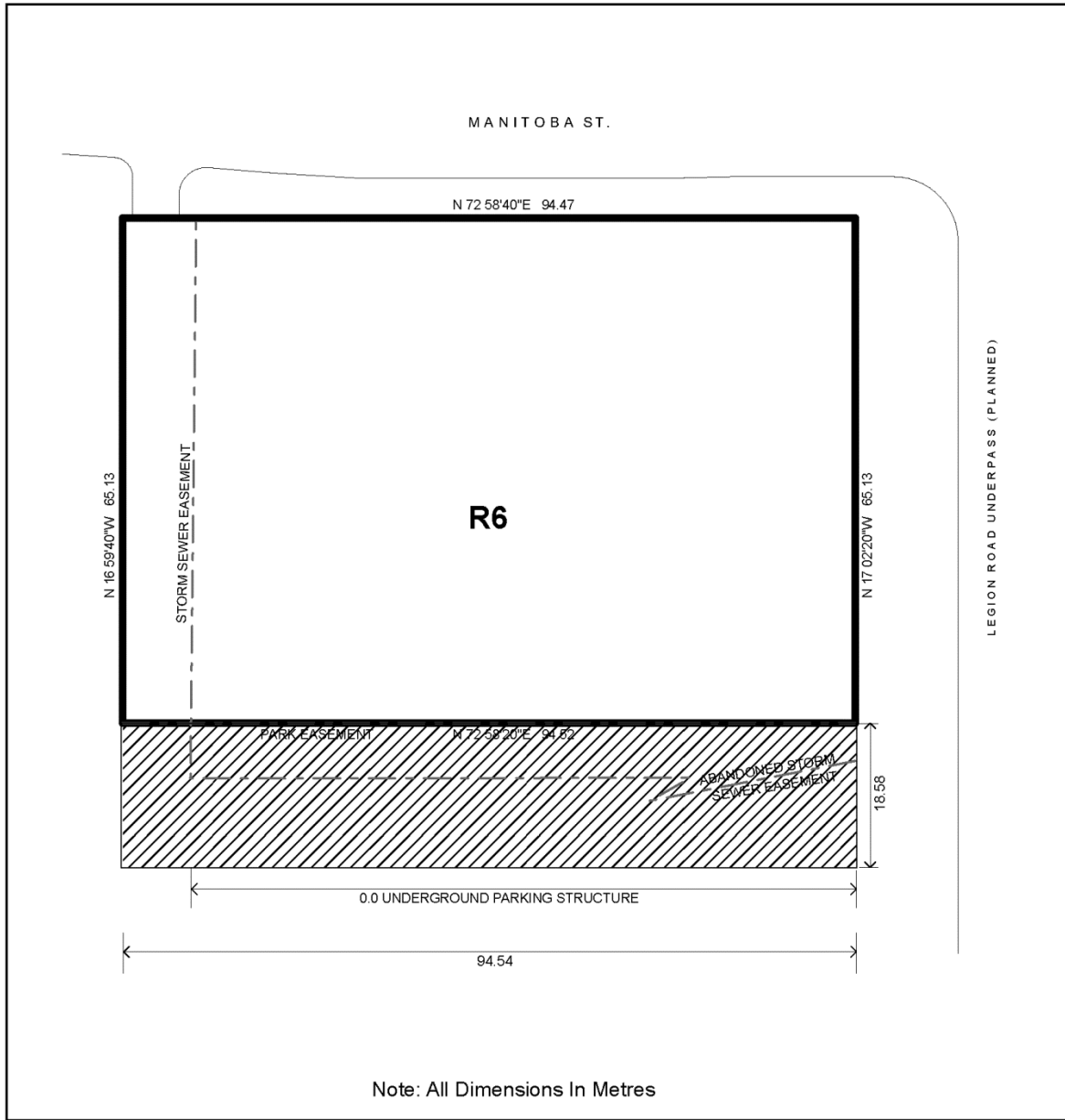
Prevailing By-laws and prevailing Sections:

City of Toronto By-law 174-2003

6. Despite any existing or future severance, partition, or division of the lot, the provisions of this By-law apply to the whole of the **lot** as if no severance, partition or division occurred.
7. 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 2 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule 'A' 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 lot, to the satisfaction of the City Solicitor.
 - (B) 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.

- (C) The owner must 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.

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



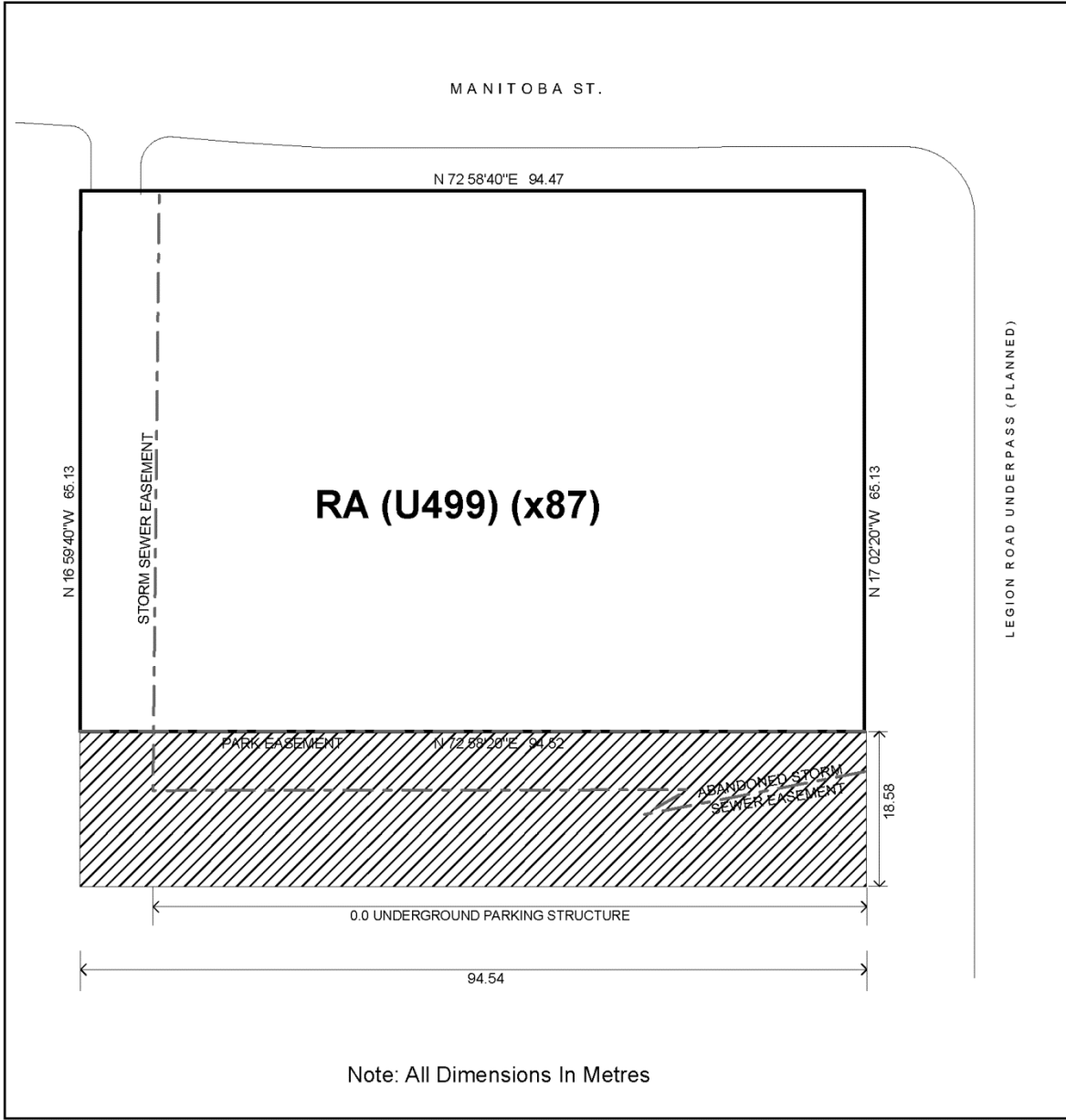
 **TORONTO**
Diagram 1

251 Manitoba Street
(Parcel F)
 File # 13 253075 WET 06 02

 Parkland Dedication



Not to Scale
 06/20/2018



TORONTO
Diagram 2

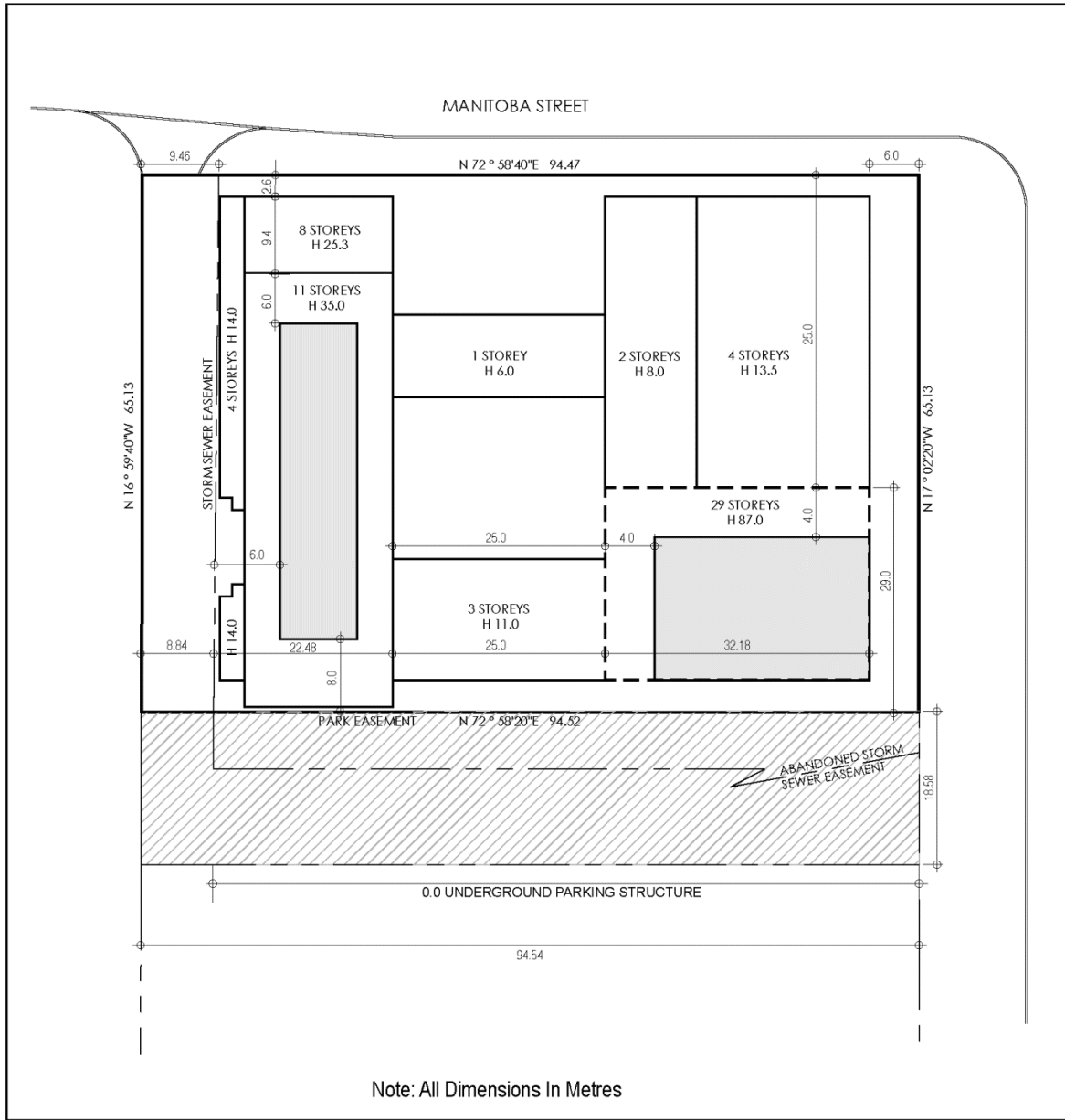
251 Manitoba Street
(Parcel F)

File # 13 253075 WET 06 02

 Parkland Dedication




Not to Scale
 06/20/2018




TORONTO
Diagram 3

**251 Manitoba Street
(Parcel F)**

File # 13 253075 WET 06 0Z

 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 '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 Diagram 3 in 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 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) 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.