

Authority: Ontario Municipal Board Decision issued on October 6, 2016, Ontario Municipal Board Order issued on August 18, 2017 and Local Planning Appeal Tribunal Order issued on August 28, 2019 in File PL150846

## CITY OF TORONTO

### BY-LAW 1611-2019(LPAT)

**To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known as 75, 77 and 83 Mutual Street.**

Whereas the *owner* of the lands known as 75, 77 and 83 Mutual Street appealed a proposed zoning by-law amendment to the Ontario Municipal Board; and

Whereas the Ontario Municipal Board Decision issued on October 6, 2016, Ontario Municipal Board Order issued on August 18, 2017 and Local Planning Appeal Tribunal Order issued on August 28, 2019 in File PL150846, approved amendments to the former City of Toronto Zoning By-law 438-86, as amended, with respect to those lands; and

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increased 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 matters as are set out in the by-law; and

Whereas Subsection 37(3) of the Planning Act provides that where an *owner* of lands elects to provide facilities, services or matters, in return for an increase in the height or density of development, the *owner* may be required to enter into one or more agreements with the municipality in respect of 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 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 Order of the Local Planning Appeal Tribunal, former City of Toronto Zoning By-law 438-86 is amended as follows:

1. The lands subject to this By-law are outlined by heavy black lines as shown on Map 1 attached to and forming part of this By-law.
2. On 77 and 83 Mutual Street, none of the provisions of Section 4(5)(b), 4(5)(f), 4(13)(c), 4(13)(d), 4(14)(a), 4(17)(d), 8(3) Part I 1, 2 & 3, 8(3) Part II 1(a)(ii), 8(3) Part III 1(a), 12(2)(80), 12(2)(132), 12(2)(216), 12(2)(229), 12(2)(250), and former City of Toronto By-law 1990-0032 apply to prevent the erection or use of a building which may contain

*dwelling units* and non-residential uses including a parking garage below *grade* within Part A as shown on Map 1.

3. On 75 Mutual Street none of the provisions of Section 4(5)(b), 4(5)(f), 4(13)(c), 4(13)(d), 4(14)(a), 4(17)(d), 8(3) Part I 1,2&3, 8(3) Part II 1(a)(ii), 8(3) Part III 1(a), 12(2)(80), 12(2)(132), 12(2)(216), 12(2)229 and 12(2)250 apply to prevent the erection or use of a building within Part B as shown on Map 1.
4. None of the provisions of Section 12(2)380 or By-law 1106-2016 shall apply to Part A as shown on Map 1 or Part B as shown on Map 1.
5. Site-Specific Standards:
  - a. the total *residential gross floor area* and *non-residential gross floor area* on both Part A and Part B must not exceed 26,825 square metres, of which:
    - i. The *non-residential gross floor area* on Part A as shown on Map 1 must not exceed 330 square metres; and
    - ii. The *non-residential gross floor area* on Part B as shown on Map 1 must not exceed 510 square metres;
  - b. with respect to the building located on Part A as shown on Map 1 and the building located on Part B as shown on Map 1, no portion of the building or structure used or erected on the *lot* at or above *grade* may be located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, subject to the following:
    - i. Canopies, awnings, building cornices and parapets are permitted outside the heavy line other than a lot line shown on Map 2;
    - ii. Balconies may project a maximum distance of 2.0 metres beyond the heavy line other than a lot line shown on Map 2; and
    - iii. Lighting fixtures, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, underground garage ramps, landscape and green roof elements, wind mitigation and public art features which may extend beyond the heavy lines shown on Map 2;
  - c. despite Section 4(2)(a), the *height* of any building or structure located on Part A as shown on Map 1 and any building or structure located on Part B as shown on Map 1 erected on the lands must not exceed the *height* in metres specified by the numbers following the symbol H on Map 2, and the storeys specified by the numbers following the symbol ST on Map 2;
  - d. despite Section 4(2)(a) and Section 5(c) of this By-law, minor projections including architectural elements permitted in Section 5(b) of this By-law and

spires, parapets, screens, fences, and antennae, up to a maximum height of 2.0 metres may be permitted above the height indicated by the numbers following the H symbol as shown on Map 2;

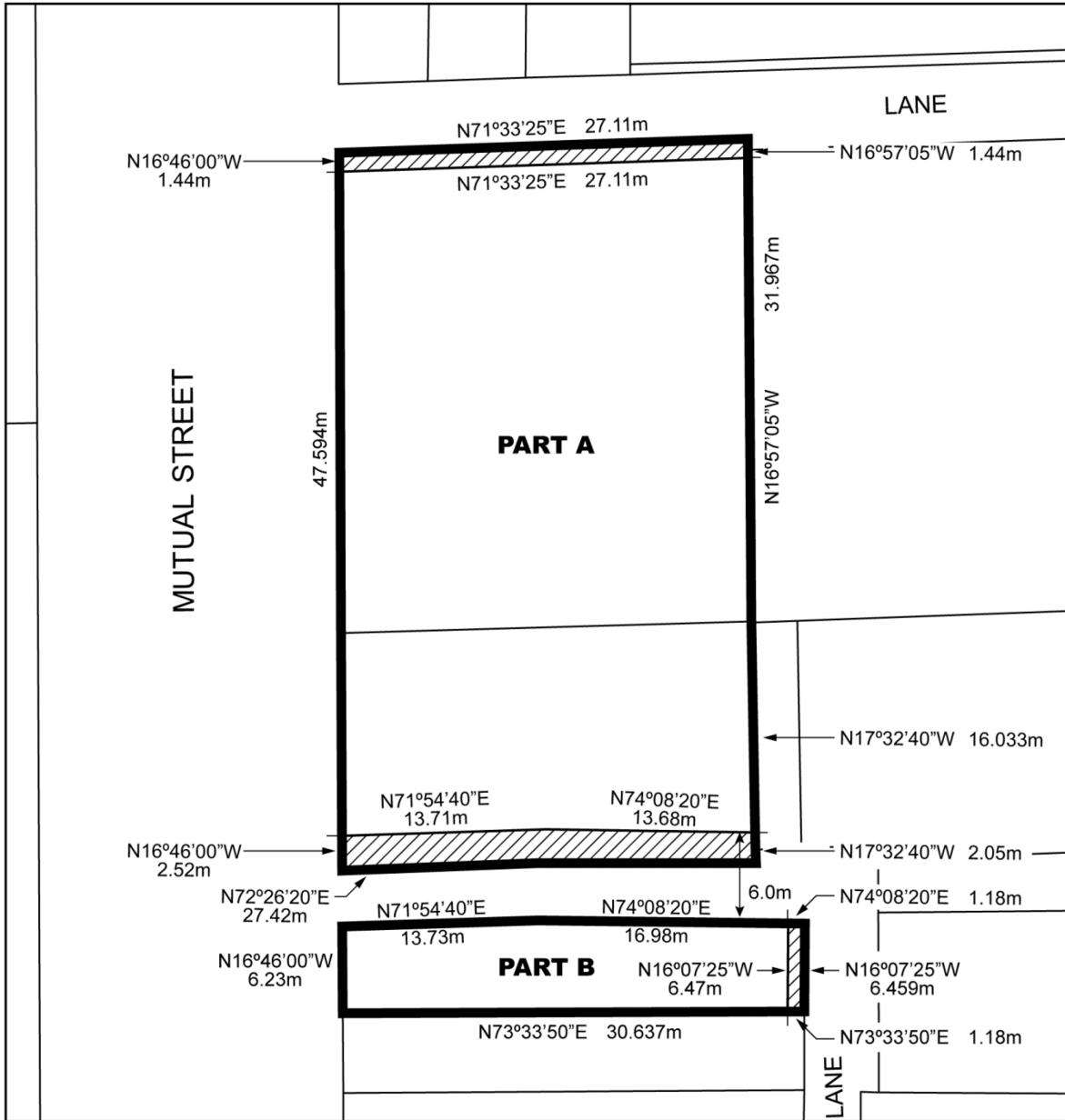
- e. on the lands located on Part A as shown on Map 1, a minimum of thirty-one (31) of the *dwelling units* must be three-bedroom *dwelling units* or greater;
- f. on the lands located on Part A as shown on Map 1, twenty-two (22) *dwelling units* must be secured in accordance with Schedule A of this By-law as rental *dwelling units*, eighteen (18) of which are *bachelor dwelling units* and four (4) of which are one-bedroom *dwelling units*;
- g. despite Sections 4(5)(b) and 4(17), a minimum of one hundred and five (105) *parking spaces* must be provided and maintained in a below *grade parking garage* within Part A as shown on Map 1 in accordance with the following:
  - i. Of the one hundred and five (105) *parking spaces* a maximum of fifteen (15) *parking spaces* may have a minimum dimension of 2.5 metres wide by 5.0 metres long;
  - ii. Of the one hundred and five (105) *parking spaces* a minimum of twenty-three (23) must be for visitors;
  - iii. Two (2) car-share parking spaces must be provided;
  - iv. The *parking spaces* for visitors and the car-share parking spaces may be operated as a *commercial parking garage*;
  - v. No parking is required for the non-residential uses located on Part A as shown on Map 1 or uses on Part B as shown on Map 1;
  - vi. Of the one hundred and five (105) *parking spaces* a minimum of eighty (80) must be provided for residents; and
  - vii. *Bicycle parking space – occupant* and *bicycle parking space – visitor* shall not be considered as obstructions to *parking spaces* and may project into *parking spaces* in accordance with Section 5(1) of this By-law;
- h. despite Section 4(8), loading spaces must be provided and maintained in accordance with the following requirements:
  - i. No loading spaces are required for Part B as shown on Map 1; and
  - ii. One (1) *loading space – type G* is required for Part A as shown on Map 1;
- i. despite Sections 4(5)(i)(ii) and 4(10)(d), the vehicle entrance or exit for a one-way driveway into or out of the building located on Part A as shown on Map 1 must have a minimum width of 3.0 metres;

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- j. despite Section 4(13)(a), no bicycle parking spaces are required for the non-residential uses located on Part A as shown on Map 1 or Part B as shown on Map 1;
  - k. despite the definitions of *bicycle parking space – occupant* and *bicycle parking space – visitor* in Section 2(1), *bicycle parking spaces* may be provided in a secured room, in a stacked manner, in bicycle lockers, on a rack or on a hook on a wall, post or pillar including a wall, post or pillar associated with a vehicle *parking space*;
  - l. despite the dimensions of *bicycle parking space – occupant* and *bicycle parking space – visitor* specified in Section 2(1), the *bicycle parking space* dimensions must have:
    - i. A minimum width of 0.6 metres x a minimum length of 1.2 metres x a minimum height of 1.8 metres and a *bicycle parking space* can project into a vehicle *parking space* by a maximum width of 0.15 metres x a maximum length of 1.2 metres x a maximum height of 1.8 metres; and
    - ii. If *bicycle parking spaces* are provided in a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* and equipped with a mechanical device providing floor level access to both *bicycle parking spaces*, the minimum vertical clearance for each *bicycle parking space* must be at least 1.2 metres;
  - m. the number of bicycle parking spaces provided must comply with the requirements set out in City of Toronto Zoning By-law 569-2013;
  - n. despite Section 4(12), on the lands located on Part A as shown on Map 1, a minimum ratio of 1.31 square metres of indoor *residential amenity space* must be provided for each *dwelling unit* located on Part A as shown on Map 1; and
  - o. despite Section 4(12), on the lands located on Part A as shown on Map 1, a minimum ratio of 1.31 square metres of outdoor *residential amenity space* must be provided for each *dwelling unit* located on Part A as shown on Map 1.
6. 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 Part A is permitted beyond that otherwise permitted on the lands shown on Map 1 in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Schedule A hereof 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 77 and 83 Mutual Street, to the satisfaction of the City Solicitor;
  - b. where Schedule A of this By-law requires the owner of 77 and 83 Mutual Street to provide certain facilities, services or matters prior to the issuance of a building

permit for 77 and 83 Mutual Street, the issuance of such permit must be dependent on satisfaction of the same; and


- c. the owner of 77 and 83 Mutual Street 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 on Part A unless all provisions of Schedule A are satisfied.


Ontario Municipal Board Decision issued on October 6, 2016, Ontario Municipal Board Order issued on August 18, 2017 and Local Planning Appeal Tribunal Order issued on August 28, 2019 in File PL150846.



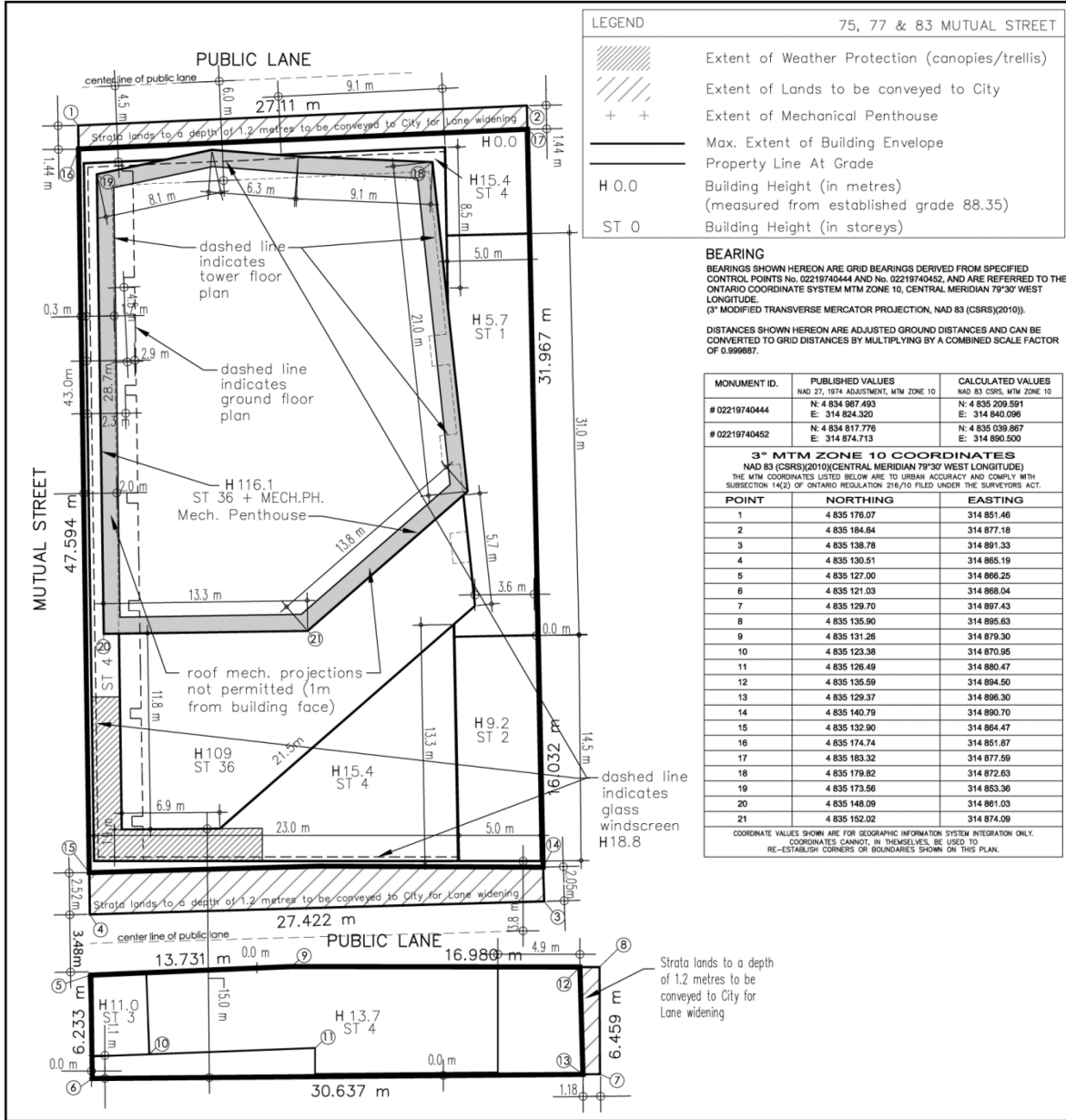
75, 77 & 83 Mutual Street

File # 14 183553 STE 27 OZ

 Strata lands to a depth of 1.2 metres to be conveyed to the City for Lane Widening

  
 City of Toronto By-Law 438-86  
 Not to Scale  
 12/06/2018

City of Toronto By-law 1611-2019(LPAT)



75, 77 & 83 Mutual Street

File # 14 183553 STE 27 0Z

City of Toronto By-Law 438-86  
 Not to Scale  
 03/27/2019

**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 Part A as shown in Map 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act to be registered on title to Part A lands as shown on Map 1 whereby the owner agrees as follows:

1. Prior to issuance of an above grade building permit for Part A, the owner must provide a cash contribution in the amount of \$1,500,000 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 the payment is made towards:
  - a. a cash contribution of \$150,000 towards capital improvements for properties owned by the Toronto Community Housing Corporation and/or the City's Capital Revolving Fund for Affordable Housing for the purpose of constructing new affordable rental housing units in Ward 27, to the satisfaction of the Chief Executive Officer, Toronto Community Housing Corporation, and the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
  - b. a cash contribution of \$150,000 towards community/cultural/recreational space improvements in the local area to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor; and
  - c. a cash contribution of \$1,200,000 for local parklands and streetscape improvements to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
2. In the event the cash contributions referred to in Section 1 of this Schedule have 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, City Planning, in consultation with the Ward Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
3. The following matters are also to be secured in the Section 37 Agreement as a legal convenience to support development:
  - a. the owner shall provide and maintain 22 replacement rental dwelling units, comprised of 18 bachelor units and 4 one-bedroom units, on the subject site for a period of at least 20 years, as generally shown on the plans submitted to the City Planning Division dated February 10, 2017. Any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - b. the owner shall provide at least eighteen (18) bachelor and three (3) one-bedroom replacement rental dwelling units at affordable rents and one (1) one-bedroom

replacement rental dwelling unit at mid-range rent for a period of at least 10 years from the date of first occupancy;

- c. the owner shall provide ensuite laundry in all replacement rental dwelling units;
- d. the owner agrees that not less than twenty-two (22) full-size storage lockers located in the proposed development on Part A as shown in Map 1 shall be designated by the owner for tenants of the rental replacement dwelling units, one locker being assigned by the owner to each tenant;
- e. the owner shall provide tenants of the replacement rental dwelling units with access to all indoor and outdoor amenities and bicycle parking on the same terms and conditions as condominium residents; and
- f. the owner shall provide tenant relocation and assistance to all eligible tenants, including the right to return to a replacement rental dwelling unit, to the satisfaction of the Chief Planner and Executive Director, City Planning.