

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 1612-2019(LPAT)

To amend Zoning By-law 569-2013, as amended, with respect to lands known municipally as 75, 77 and 83 Mutual Street.

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 determined to amend By-law 569-2013, as amended, with respect to the lands known municipally as 75, 77, and 83 Mutual Street; and

Whereas the Local Planning Appeal Tribunal 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 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;

Pursuant to the Order of the Local Planning Appeal Tribunal, Zoning By-law 569-2013 is amended as follows:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. 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: CR4.0 (c0.5; r4.0) SS1 (x144), as shown on Diagram 2 attached to this By-law.

3. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number [144] so that it reads:

Exception CR 144

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

Site Specific Provisions:

- (A) On 77 and 83 Mutual Street, if the requirements of Section 4 and Schedule A of By-law 1612-2019(LPAT) are complied with, none of the Regulations 5.10.40.70 (1) and (2), 40.5.1.10(3), 40.5.40.70 (1)(A), 40.10.40.40(1), 40.10.40.50, 40.10.40.70(1), 40.10.100.10.(1)(C), 200.5.1.10(8), 200.5.10.1(1), 200.15.15.4(2), Table 200.5.10.1, 200.15.1.5 (1), 230.5.1.10 (9), 230.40.1.20(2), 900.11.10(2010), 900.11.10(2211), 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 ground, within the area identified as Part A on Diagram 1 of By-law 1612-2019(LPAT);
- (B) On 75 Mutual Street, none of Regulations 5.10.40.70 (1) and (2), 40.5.1.10(3), 40.5.40.70 (1)(A), 40.10.40.40(1), 40.10.40.50, 40.10.40.70(1) 150.25.50.2(1)(C), 200.5.1.10(8), 200.5.10.1(1), Table 200.5.10.1, 200.15.1.5 (1), 200.15.15.4(2), 230.5.1.10 (9), 230.40.1.20(2), 900.11.10(2010), and 900.11.10(2211), apply to prevent the erection or use of a **building** within the area identified as Part B and shown on Diagram 1 of By-law 1612-2019(LPAT);
- (C) Neither Regulation 600.10.10(1) nor By-law 1107-2016 shall apply to the area identified as Part A or Part B as shown on Diagram 1 of By-law 1612-2019(LPAT);
- (D) The total **gross floor area** of all **buildings** and **structures** must not exceed a maximum of 26,140 square metres, of which:
- (i) the non-residential **gross floor area** on the area identified as Part A on Diagram 1 of By-law 1612-2019(LPAT) must not exceed 330 square metres; and
- (ii) the non-residential **gross floor area** on the area identified as Part B on Diagram 1 of By-law 1612-2019(LPAT) must not exceed 510 square metres;
- (E) Despite Regulations 40.5.40.10 (1) and 40.10.40.10 (1), (4) and (5), the height of a **building** located on Part A or Part B as shown on Diagram 1 of By-law 1612-2019(LPAT), must not exceed the permitted maximum height in metres as indicated by the numbers following the letter HT and the permitted number of **storeys** as indicated by the numbers following the letter ST on Diagram 3 of By-law 1612-2019(LPAT);

- (F) The following elements of a **building** may exceed the permitted maximum height in (E) above by 2.0 metres:
- (i) minor projections including architectural elements permitted in regulation (G)(iii) and spires, screens, fences and antennae;
- (G) Despite Regulation 40.10.40.60, with respect to a **building** located on Part A or Part B as shown on Diagram 1 of By-law 1612-2019(LPAT), no portion of the **building** or **structure** above ground may be located otherwise than wholly within the areas delineated by heavy lines on the attached Diagram 3 of By-law 1612-2019(LPAT), except for the following:
- (i) canopies, awnings, **building** cornices and parapets;
 - (ii) balconies may encroach into a required **building setback** a maximum distance of 2.0 metres; 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;
- (H) On the lands located on Part A as shown on Diagram 1 of By-law 1612-2019(LPAT), a minimum of 31 of the **dwelling units** must be three-bedroom **dwelling units** or greater;
- (I) On the lands located on Part A as shown on Diagram 1 of By-law 1612-2019(LPAT), 22 **dwelling units** must be secured in accordance with Schedule A of By-law 1612-2019(LPAT) as rental **dwelling units**, eighteen of which are bachelor **dwelling units** and four of which are one-bedroom **dwelling units**;
- (J) Despite Regulations 200.5.1.10(2) and 200.5.10.1, a minimum of 105 **parking spaces** must be provided and maintained in a below grade **parking garage** within Part A as shown on Diagram 1 of By-law 1612-2019(LPAT) in accordance with the following:
- (i) of the 105 **parking spaces** a maximum of 15 **parking spaces** may have a minimum dimension of 2.5 metres in width x 5.0 metres in length;
 - (ii) of the 105 **parking spaces** a minimum of 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 Diagram 1 or uses on Part B as shown on Diagram 1 of By-law 1612-2019(LPAT);
 - (vi) of the 105 **parking spaces** a minimum of 80 must be provided for residents; and
 - (vii) **bicycle parking spaces** are not to be considered as obstructions to **parking spaces** and may project into **parking spaces** in accordance with Section 2(O) of By-law 1612-2019(LPAT);
- (K) Despite Regulation 220.5.10.1, **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 Diagram 1 of By-law 1612-2019(LPAT); and
 - (ii) 1 **loading space** - Type G is required for Part A as shown on Diagram 1 of By-law 1612-2019(LPAT);
- (L) Despite Regulation 200.5.1.10 (12)(B), the **vehicle** entrance or exit for a one-way **driveway** into or out of the **building** located on Part A as shown on Diagram 1 must have a minimum width of 3.0 metres;
- (M) No **bicycle parking spaces** are required for the non-residential uses located on Part A or Part B as shown on Diagram 1 of By-law 1612-2019(LPAT);
- (N) Despite Regulations 200.5.1.10 (4) and 230.5.1.10 (5), **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 **parking space**;
- (O) Despite Regulation 230.5.1.10 (4) and (5):
- (i) the **bicycle parking space** dimensions must have a minimum width of 0.6 metres x a minimum length of 1.2 metres x a minimum height of 1.8 metres and may project into a **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; and

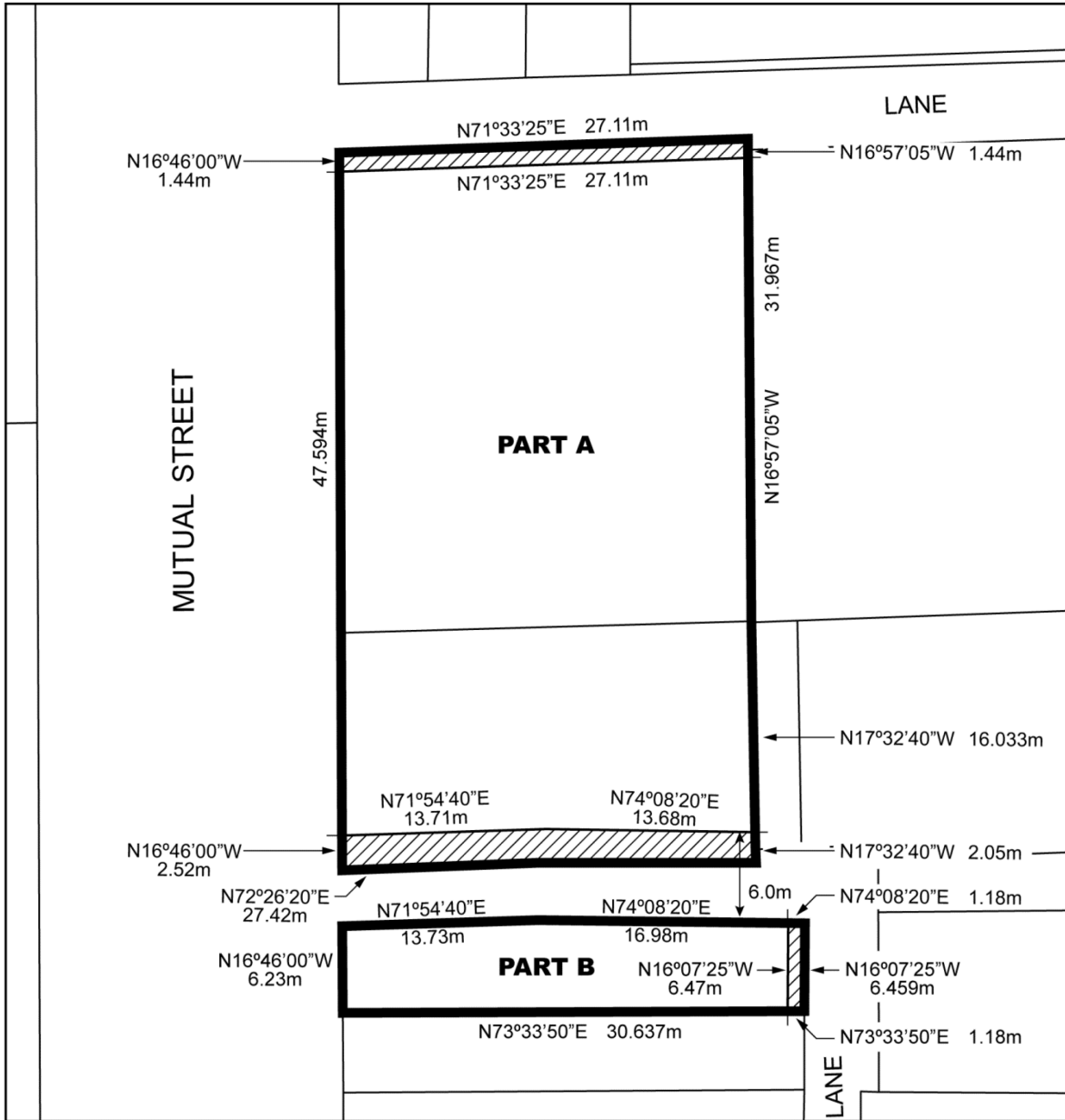
- (P) On the lands located on Part A as shown on Diagram 1 of By-law 1612-2019(LPAT), **amenity space** must be provided at a minimum rate of:
- (i) 1.31 square metres of indoor **amenity space** for each **dwelling unit**; and
 - (ii) 1.31 square metres of outdoor **amenity space** for each **dwelling unit**.

Prevailing By-law and Prevailing Sections: (None Apply).

4. 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 Diagram 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.




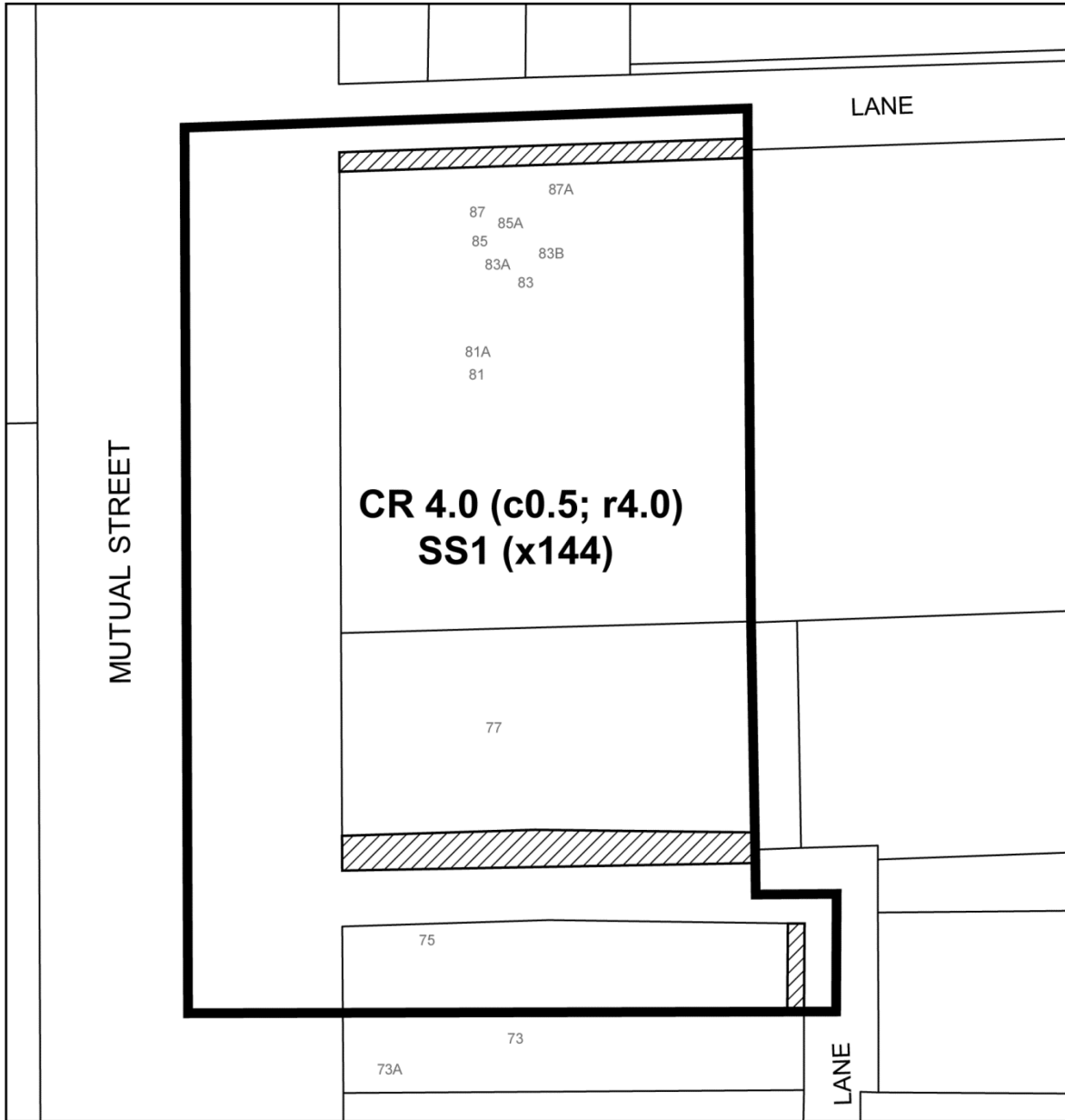
TORONTO
Diagram 1

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 569-2013
Not to Scale
12/06/2018



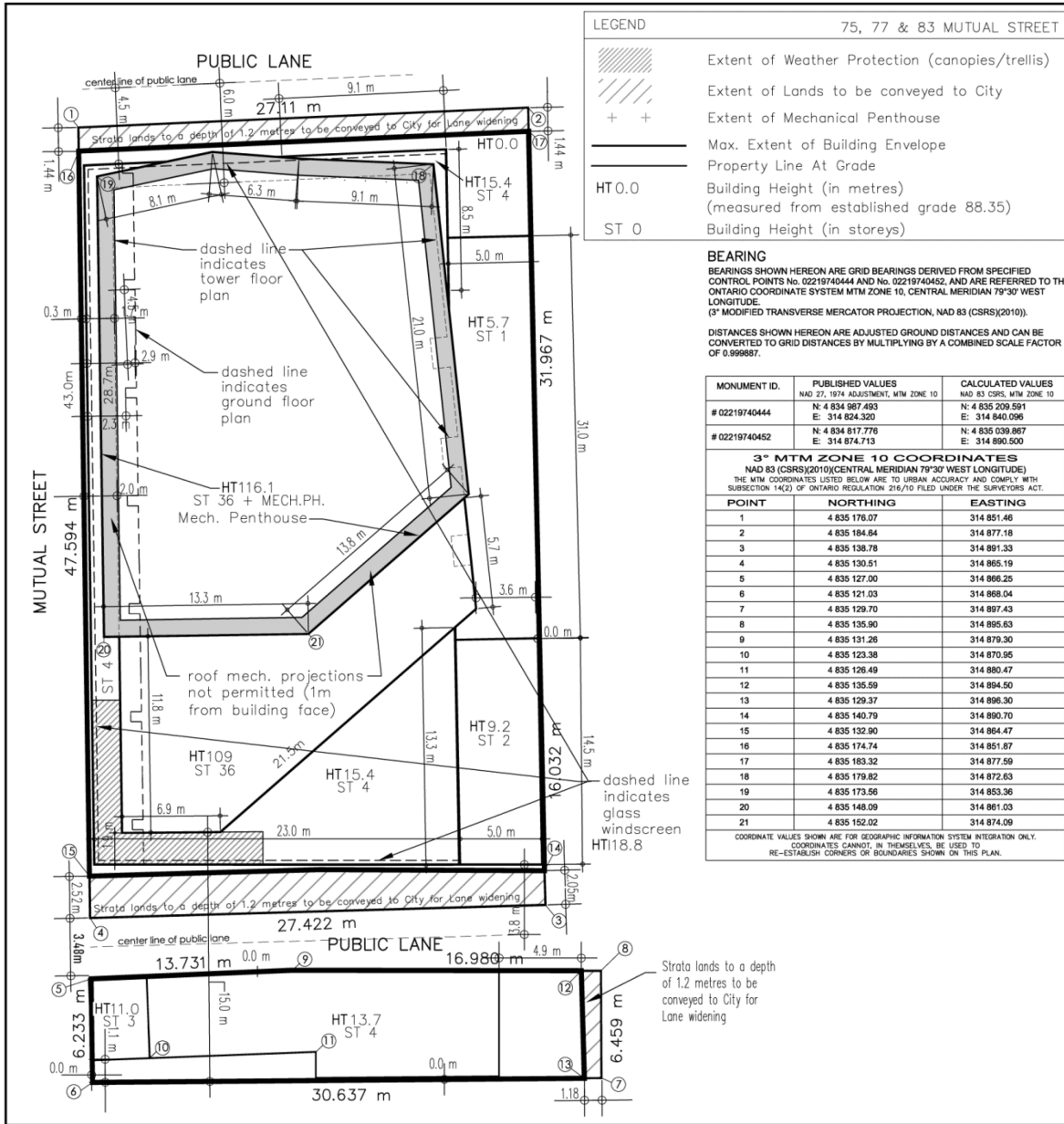
 **TORONTO**
Diagram 2

75, 77 & 83 Mutual Street

File # 14 183553 STE 27 0Z

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


City of Toronto By-Law 569-2013
Not to Scale
05/23/2018



75, 77 & 83 Mutual Street

File # 14 183553 STE 27 0Z

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 Diagram 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 Diagram 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 Diagram 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.