

Authority: Local Planning Appeal Tribunal Decision
issued January 8, 2019 and Order issued December 9, 2019
and February 18, 2020 in Tribunal File PL170492

CITY OF TORONTO

BY-LAW 203-2020(LPAT)

To amend the former City of Toronto Zoning By-law 438-86, as amended, of with respect to the lands municipally known as 79-85 Shuter Street.

Whereas the Local Planning Appeal Tribunal, by its Decision issued on January 8, 2019, and Order issued on December 9, 2019 and February 18, 2020, in File PL170492 approved amendments to the former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands known municipally as 79-85 Shuter Street;

Pursuant to the Order of the Local Planning Appeal Tribunal, By-law 438-86, the Zoning By-law of the former City of Toronto, as amended, is further amended as follows:

1. Pursuant to Section 37 of the Planning Act, the *heights* and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the *owner* of the *lot* of the following facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the Planning Act.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the Planning Act securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
3. Except as otherwise provided herein, the provisions of By-law 438-86, as amended shall continue to apply to the *lot*.
4. None of the provisions of Section 2(1) with respect to the definition of the terms *bicycle parking space – occupant*, *bicycle parking space – visitor*, *height*, *lot*, *grade*, and *residential gross floor area*, sections 4(2)(a), 4(5)(b), 4(8), 4(13), 4(14), 4(16), 8(3) Part I 1 & 3, 8(3) Part II 1(a)(ii), 8(3) Part III 1(a), 12(2)(80), 12(2)(216), and 12(2)380 of By-law 438-86 of the former City of Toronto, as amended, and none of the provisions of By-law 1106-2016 shall apply to prevent the erection or use of an *apartment building*, which may contain *dwelling units* including a parking garage below *grade* on the *lot* provided that:
 - (a) The *lot* comprises all of the lands delineated by dashed lines on Map 1 attached to and forming part of this By-law;
 - (b) The *residential gross floor area* shall not exceed 17,250 square metres;

- (c) No portion of the building or structure erected on the *lot* above *grade* is located otherwise than wholly within the areas delineated by solid lines on the attached Map 2 with the exception of the following permitted projections:
- i. balconies, projecting exterior walls that do not enclose space, and architectural design features may encroach a maximum distance of 1.5 metres on the north and south façade only, provided they are located above a Canadian Geodetic Datum elevation of 109.67 metres;
 - ii. canopies, awnings, building cornices, roofs, parapets, 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 may encroach into the building setbacks a maximum of 1.5 metres; and
 - iii. elements of heritage buildings;
- (d) The *height* of any building, structure or portion thereof shall not exceed those *heights* as indicated by the H symbol on Map 2 with the exception of the following permitted projections:
- i. structures and elements related to outdoor flooring and roofing assembly may project above the height limits by no more than 0.5 metres;
 - ii. lightning rods, safety railings, guard rails railings, parapets, terraces, patios, planters, balustrades, bollards, stairs, accessory structures, retaining walls, wheelchair ramps, ornamental or architectural features may project above the height limits by no more than 1.5 metres;
 - iii. elements on the roof of the building or structure used for *green roof* technology and related roofing material may project above the height limits by no more than 2.0 metres;
 - iv. elements of heritage buildings, aircraft warning lights, garbage chutes, screens, emergency generators, lighting fixtures may project above the height limits by no more than 2.5 metres;
 - v. elements of outdoor *residential amenity space*, landscape features, privacy screens, acoustical barriers, wind mitigation features, terrace dividers, covered stairs or stair enclosures, and fences may project above the height limits by no more than 2.75 metres;
 - vi. window washing equipment, cabanas and trellises may project above the height limits by no more than 3.6 metres; and
 - vii. Antennae, flagpoles, satellite dishes, cooling towers and related screens, and equipment used for the functional operation of the building such as

electrical utility, mechanical and ventilation equipment may project above the height limits by no more than 5.0 metres;

- (e) The minimum number of required *parking spaces* is 43, of which:
 - i. A minimum of 32 *parking spaces* for occupants of the *dwelling units*;
 - ii. a minimum of 11 *parking spaces* for visitors of the *dwelling units*;
 - iii. a maximum of 2 of the required visitor *parking spaces* may be *car share parking spaces* and each *car-share parking space* may reduce the minimum resident parking required by four (4) *parking spaces*;

- (f) Notwithstanding Section 4(17) of By-law 438-86:
 - i. No more than 9 *parking spaces* may have minimum widths of 2.6 metres when obstructed on one or two sides; and
 - ii. No more than 3 of the *parking spaces* may have minimum lengths of 5.1 metres;

- (g) One (1) *loading space – type G* is required;

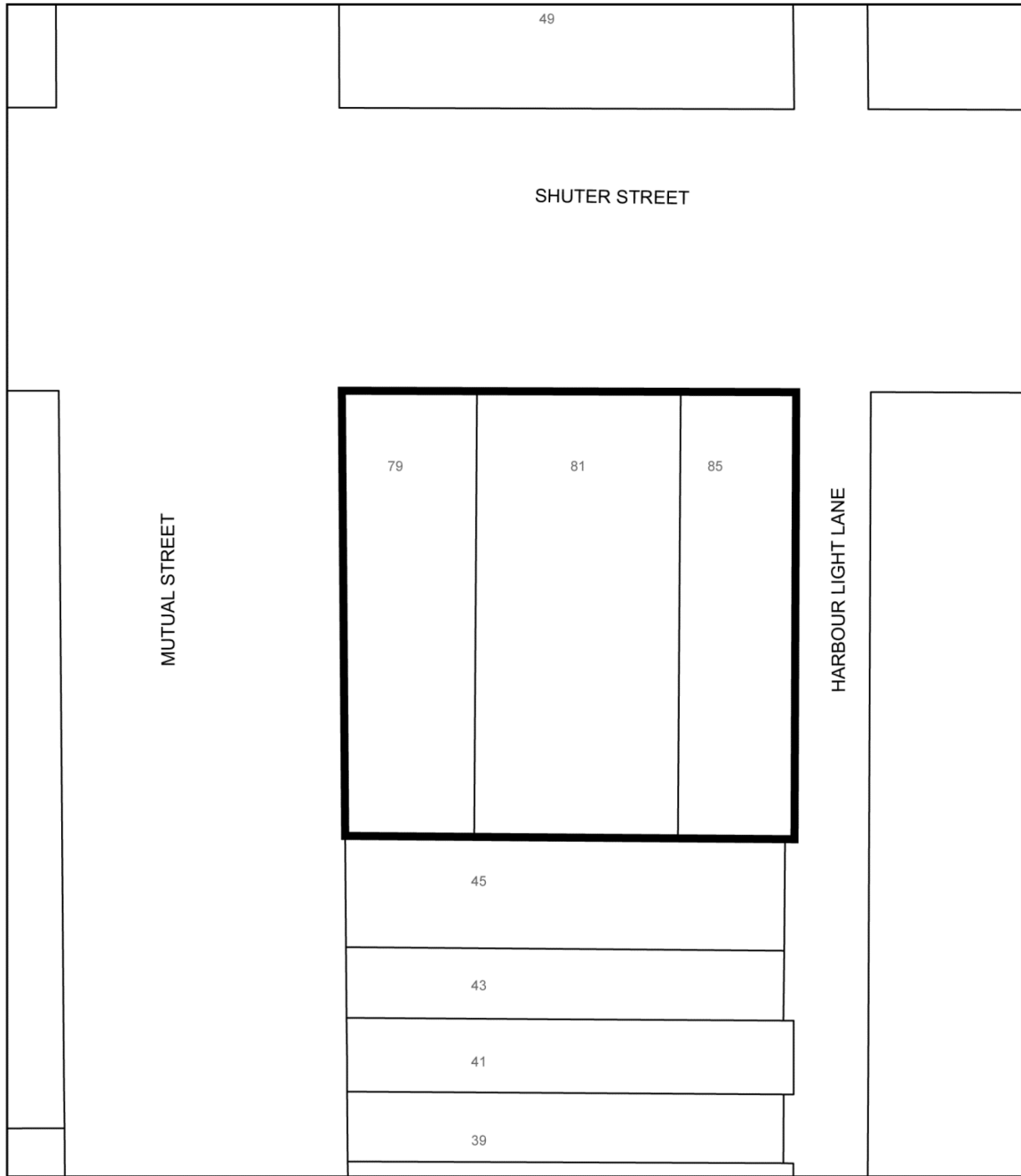
- (h) Bicycle parking spaces shall be provided and maintained on the *lot* in accordance with the following minimum requirements:
 - i. at least 0.9 *bicycle parking spaces* per *dwelling unit* shall be allocated as *bicycle parking space – occupant* for the residential use;
 - ii. at least 0.1 *bicycle parking spaces* per *dwelling unit* shall be allocated as *bicycle parking space – visitor* for the residential use;
 - iii. the number of required *bicycle parking spaces* must be rounded down when the calculation results in a fraction;
 - iv. *bicycle parking spaces* may be provided in any combination of vertical, horizontal or stacked positions;
 - v. *bicycle parking spaces* may be located anywhere above or below grade in the *building*;
 - vi. a *bicycle parking space* oriented in a horizontal position must have a minimum length of 1.8 metres, a minimum width of 0.40 metres and a minimum vertical clearance of 1.9 metres;
 - vii. despite 4(i)(vi), if a *bicycle parking space* is provided in a *stacked bicycle parking system*, the minimum vertical clearance for each *bicycle parking space* is 1.2 metres;

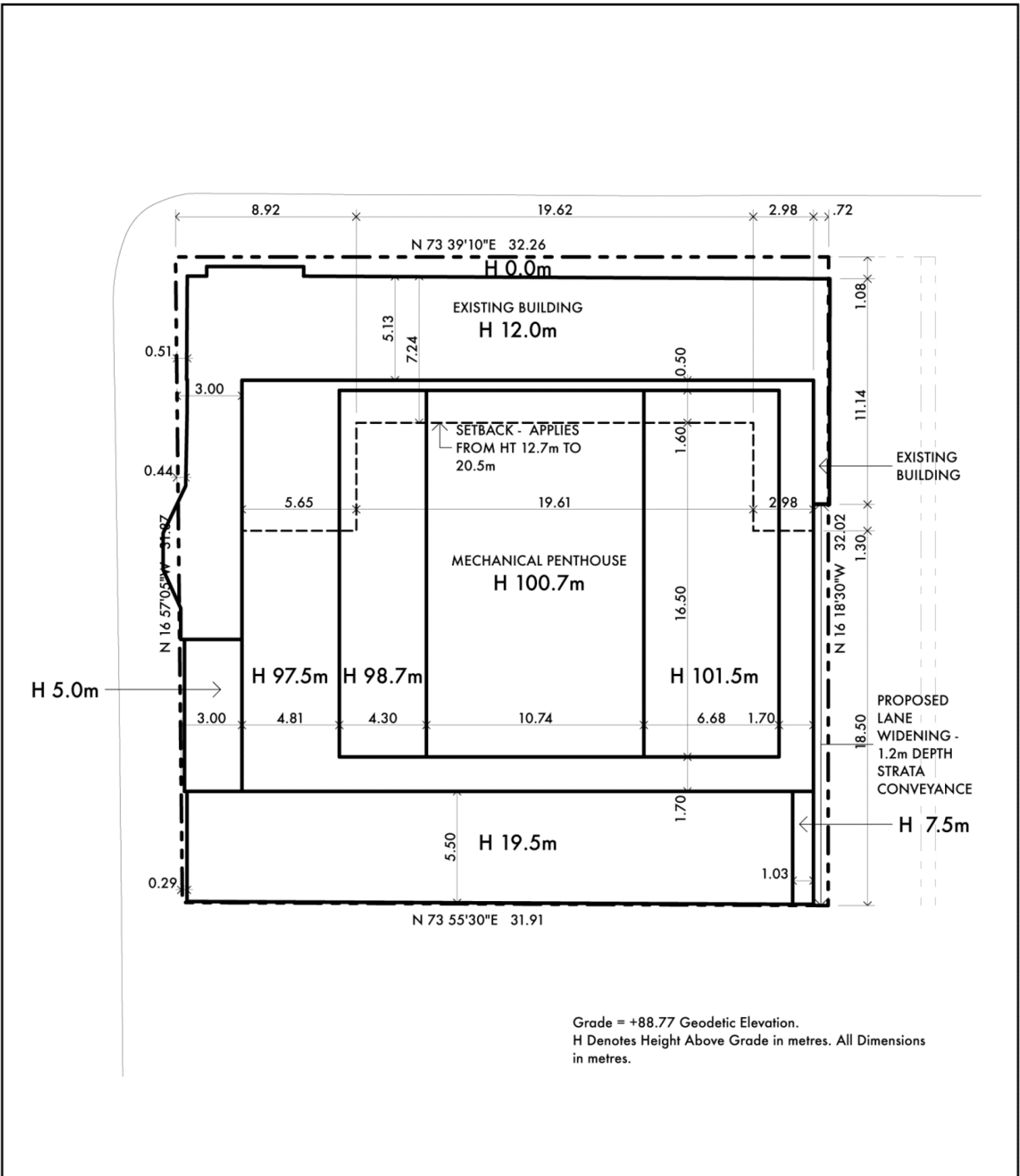
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- viii. a *bicycle parking space* oriented in a vertical position must have a minimum length or vertical clearance of 1.9 metres, a minimum width of 0.40 metres and a minimum horizontal clearance from the wall of 1.2 metres;
 - ix. *bicycle parking spaces – visitor* may be provided in a secured room;
 - (i) *Residential amenity space* shall be provided in accordance with Section 4(12) of By-law 438-86, as amended, except that:
 - i. indoor *residential amenity space* shall be provided at a minimum ratio of 2.12 square metres per residential dwelling unit;
 - ii. outdoor *residential amenity space* shall be provided at a minimum ratio of 0.72 square metres per residential dwelling unit and at least 40 square metres is to be provided in a location adjoining or directly accessible from at least one of the spaces used as indoor *residential amenity space*; and
 - iii. no more than 25 percent of the outdoor component may be a *green roof*;
 - (j) the *owner* of the *lot* has entered into an agreement with the City, pursuant to Section 37(3) of the Planning Act, to secure the facilities, services and matters required by and referred to in Appendix 1 of this By-law, and that such agreement has been registered on title to the *lot* as a first charge, all to the satisfaction of the City Solicitor.
5. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law 438-86, as amended, with the exception of the following:
- a. "*bicycle parking space – visitor*" means a bicycle parking space for visitors of the residential units.
 - b. "*bicycle parking space – occupant*" means a bicycle parking space for residents of the building.
 - c. "*lot*" means those lands outlined on Map 1 attached hereto;
 - d. "*grade*" means 88.77 metres Canadian Geodetic Datum;
 - e. "*height*" means the vertical distance between *grade* and the highest point of the building roof shown on Map 2;
 - f. "*car-share or car-sharing*" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;

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- g. "*car-share parking space*" means a *parking space* that is reserved and actively used for *car-sharing*;
 - h. "*stacked bicycle parking system*" means a horizontal bicycle parking space that is positioned above or below another bicycle parking space;
 - i. "*temporary sales office*" means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*;
 - j. "*green roof*" means 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 City of Toronto Municipal Code Chapter 492, Green Roofs;
 - k. "*residential gross floor area*" means the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior main wall of each floor level, exclusive of any areas in a building or structure used for:
 - i. Parking, loading and bicycle parking below-ground;
 - ii. Required *loading spaces* at the ground level and require *bicycle parking spaces* at or above-ground;
 - iii. Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below-ground;
 - iv. Shower and change facilities required by the By-law for required *bicycle parking spaces*;
 - v. *Residential amenity space* required by this by-law;
 - vi. Elevator shafts;
 - vii. Garbage shafts;
 - viii. Mechanical penthouse;
 - ix. Exit stairwells in the building or structure; and
 - x. Hallways and elevator vestibules located below-ground.
6. Despite any existing or future severance, partition or division of the *lot*, the provisions of this by-law shall apply as if no severance, partition or division occurred.
7. Notwithstanding any other provision in this by-law, no portion of any building or structure on the lot shall penetrate the obstacle limit surfaces for the St. Michael's Hospital Heliport as prescribed in Ontario Regulation 114/16, as amended by Ontario Regulation 336/17 and as may be further amended and By-law 1432-2017.
8. Within the lands shown on Map 1, 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 new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and

- (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
9. Except as otherwise provided herein, the provisions of Zoning By-law 438-86 shall continue to apply to the *lot*.

Pursuant to the Local Planning Appeal Tribunal Decision issued January 8, 2019 and Order issued December 9, 2019 and February 18, 2020 in Tribunal File PL170492.





Appendix 1
Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *lot* at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the Planning Act, in a form satisfactory to the *City* and the owner with conditions providing for indexing escalation of both the financial contributions, and letters of credit, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

1. Prior to the issuance of the first above grade building permit the owner be required to make a payment to the City in the amount up to \$1.3 million based on the application's height and density (indexed to reflect increases in the Construction Price Statistics between the date of the Local Planning Appeal Tribunal Order and the delivery of such payment), for capital improvements in the vicinity of the site for one or more of the following:
 - (a) capital improvements to the public library;
 - (b) capital improvements to existing community centres;
 - (c) capital improvements to existing child care facilities; and
 - (d) affordable housing;

provided that in the event the cash contribution referred to in this section has not been used for the intended purposes within three years of the By-law coming into full force and effect, the cash contribution may be redirected for other purposes, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose(s) is identified in the Toronto Official Plan and will benefit the community in the vicinity of the site;

2. The owner be required to pay for and construct any improvements to the municipal infrastructure in connection with a Functional Servicing and Stormwater Management Report as accepted by the City's Chief Engineer and Executive Director, Engineering and Construction Services should such Director determine that improvements to such infrastructure are required to support the development all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and
3. The owner shall provide, at its own expense, an acceptable tenant assistance plan to all affected tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning.