

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 204-2020(LPAT)

To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2019 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 Tribunal File PL170492, approved amendments to the City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands municipally known as 79-85 Shuter 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 and 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 Zoning 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;

Therefore, pursuant to the Order of the Local Planning Appeal Tribunal, City of Toronto Zoning By-law 569-2013, as amended, is further amended as follows:

1. The lands subject to this By-law are delineated by dashed 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 lands outlined by heavy black lines to: CR4.0 (c0.5; r4.0) SS1 (x190), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 190 so that it reads:

(190) Exception CR 190

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) On 79-85 Shuter Street, if the requirements of Clause 7 and Schedule A of By-law 204-2020(LPAT) are complied with, an **Apartment Building** may be constructed in compliance with (B) to (U) below;
- (B) The **lot** consists of those lands shown on Diagram 1 attached to By-law 204-2020(LPAT);
- (C) Despite regulation 40.5.40.10(1), height is measured from the Canadian Geodetic Datum elevation of 88.77 metres and the elevation of the highest point of the **building**;
- (D) Despite regulations 40.5.1.10(3) and 40.10.40.40(1), the total residential **gross floor area** of all **buildings** and **structures** must not exceed a maximum of 17,250 square metres;
- (E) In addition to the **building** elements listed in regulation 40.5.40.40(5), the following areas may also be excluded from the calculation of **gross floor area** in an **apartment building**:
 - (i) Areas below ground used for hallways and elevator vestibules;
- (F) Despite regulations 40.5.40.10(1) and 40.10.40.10(1), the height of the **building** must not exceed the height in metres permitted by the numbers following the letters "HT" on Diagram 3 of By-law 204-2020(LPAT);
- (G) Despite (F) above and clause 40.5.40.10, the following may exceed the height indicated by the numbers following the letters "HT" as shown on Diagram 3 of By-law 204-2020(LPAT):
 - (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 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 **amenity space**, landscape features, privacy screens, acoustical barriers, wind mitigation features, terrace or balcony 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;
- (H) Regulation 40.10.40.10(5) with respect to minimum ground floor height does not apply;
- (I) Regulation 600.10.10 with respect to Building Setbacks does not apply;
- (J) Despite regulations 5.10.40.70(1), 40.5.40.70(1)(A), and 40.10.40.70(1), the minimum above ground **building setbacks** for each level of the **building** are as shown on Diagram 3 of By-law 204-2020(LPAT);
- (K) Despite (J) above and clause 40.10.40.60 **building** elements are permitted to encroach into the required **building setbacks** as follows:
- (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 façades 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 no more than 1.5 metres into the **building setbacks**; and

- (iii) elements of heritage **buildings**;
- (L) Despite Regulations 200.5.1.10(8) and 200.5.10.1, 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**;
- (M) Regulation 200.15 and By-law 579-2017 with respect to accessible **parking spaces** does not apply;
- (N) Accessible **parking spaces** must be provided as follows:
 - (i) of the **parking spaces** required by (L)(i) and (ii) above, a minimum of 2 must be accessible **parking spaces** and must be provided in the **parking garage** below ground;
 - (ii) an accessible **parking space** must have the following minimum dimensions:
 - a. length of 5.6 metres;
 - b. width of 3.9 metres; and
 - c. vertical clearance of 2.1 metres;
 - (iii) Despite (N)(ii) above, the minimum required width of 3.9 metres may be reduced to 3.4 metres provided that an accessible barrier-free aisle or path measuring 1.5 metres in width is provided along a side of the **parking space** for its entire length;
 - (iv) accessible **parking spaces** must be within 15.0 metres of an entrance to a **building** or a hallway that provides access to an elevator vestibule;
- (O) Despite regulation 200.5.1.10(2):
 - (i) a maximum of 9 **parking spaces** may have a minimum width of 2.6 metres when obstructed on one or two sides; and
 - (ii) a maximum of 3 **parking spaces** may have a minimum length of 5.1 metres;
- (P) Despite clause 220.5.10.1, one Type "G" **loading space** is required;

- (Q) **Bicycle parking spaces** must be provided and maintained on the **lot** in accordance with the following:
- (i) Despite regulations 230.5.10.1(1), (2) and (5):
 - a. a minimum of 0.9 **bicycle parking spaces** per **dwelling unit** must be provided as long-term **bicycle parking spaces**;
 - b. a minimum of 0.1 **bicycle parking spaces** per **dwelling unit** must be provided as short-term **bicycle parking spaces**;
 - (ii) Despite regulation 230.5.1.10(9), long-term and short-term **bicycle parking spaces** for **dwelling units** may be located anywhere above or below ground in the **building**;
 - (iii) Despite regulation 230.5.1.10(10), long-term and short-term **bicycle parking spaces** for **dwelling units** may be provided in any combination of vertical, horizontal or stacked positions;
 - (iv) Despite regulation 230.40.1.20(2), a short-term **bicycle parking space** may be located more than 30 metres from a pedestrian entrance to the **building** on the **lot** and may be located in a secured room or an unsecured room;
 - (v) Despite regulation 230.5.1.10(4), 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;
 - (vi) Despite 4(Q)(v), if a **stacked bicycle parking space** is provided, the minimum vertical clearance for each **bicycle parking space** is 1.2 metres;
 - (vii) Despite regulation 230.5.1.10(4), 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;
 - (viii) Despite 230.5.1.10(2), the number of required **bicycle parking spaces** must be rounded down when the calculation results in a fraction;
- (R) Despite regulation 40.10.40.50(1) **Amenity space** must be provided as follows:
- (i) **amenity space** must be provided at a minimum rate of 2.84 square metres per residential **dwelling unit**;
 - (ii) indoor **amenity space** must be provided at a minimum rate of 2.12 square metres per residential **dwelling unit**; and

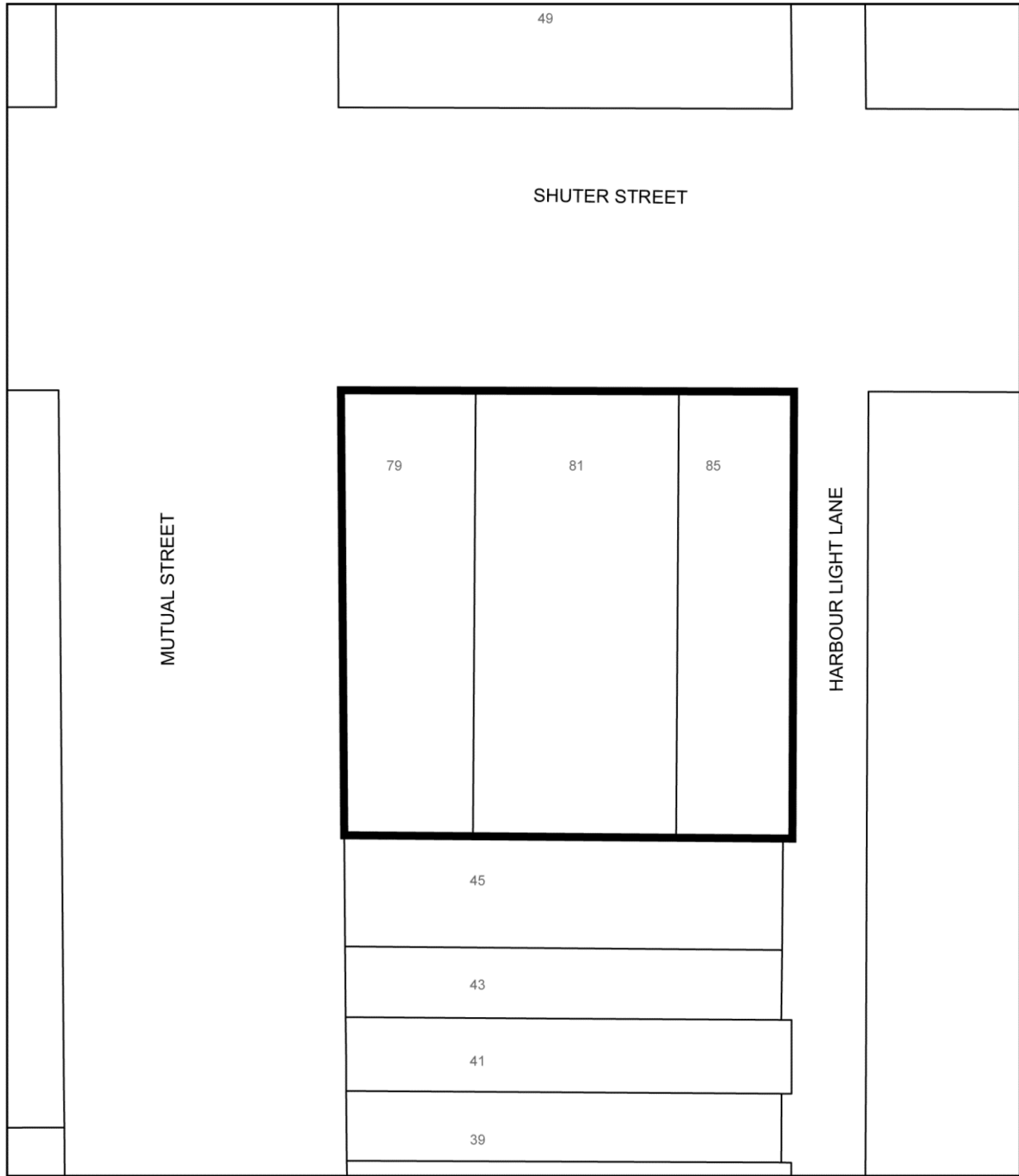
- (iii) outdoor **amenity space** must be provided at a minimum rate of 0.72 square metres per **dwelling unit** and at least 40.0 square metres is to be provided in a location adjoining or directly accessible from at least one of the spaces used as indoor **amenity space**;
- (S) Despite 40.10.100.10(1)(C), more than one **vehicle** access is permitted;
- (T) Regulation 40.5.40.10(5) with respect to limits on Functional Operation of a Building does not apply;
- (U) Despite regulation 40.5.40.10(6), **structures** providing safety or wind protection to rooftop **amenity space** can be closer than 2.0 metres from an interior face of a **main wall**;

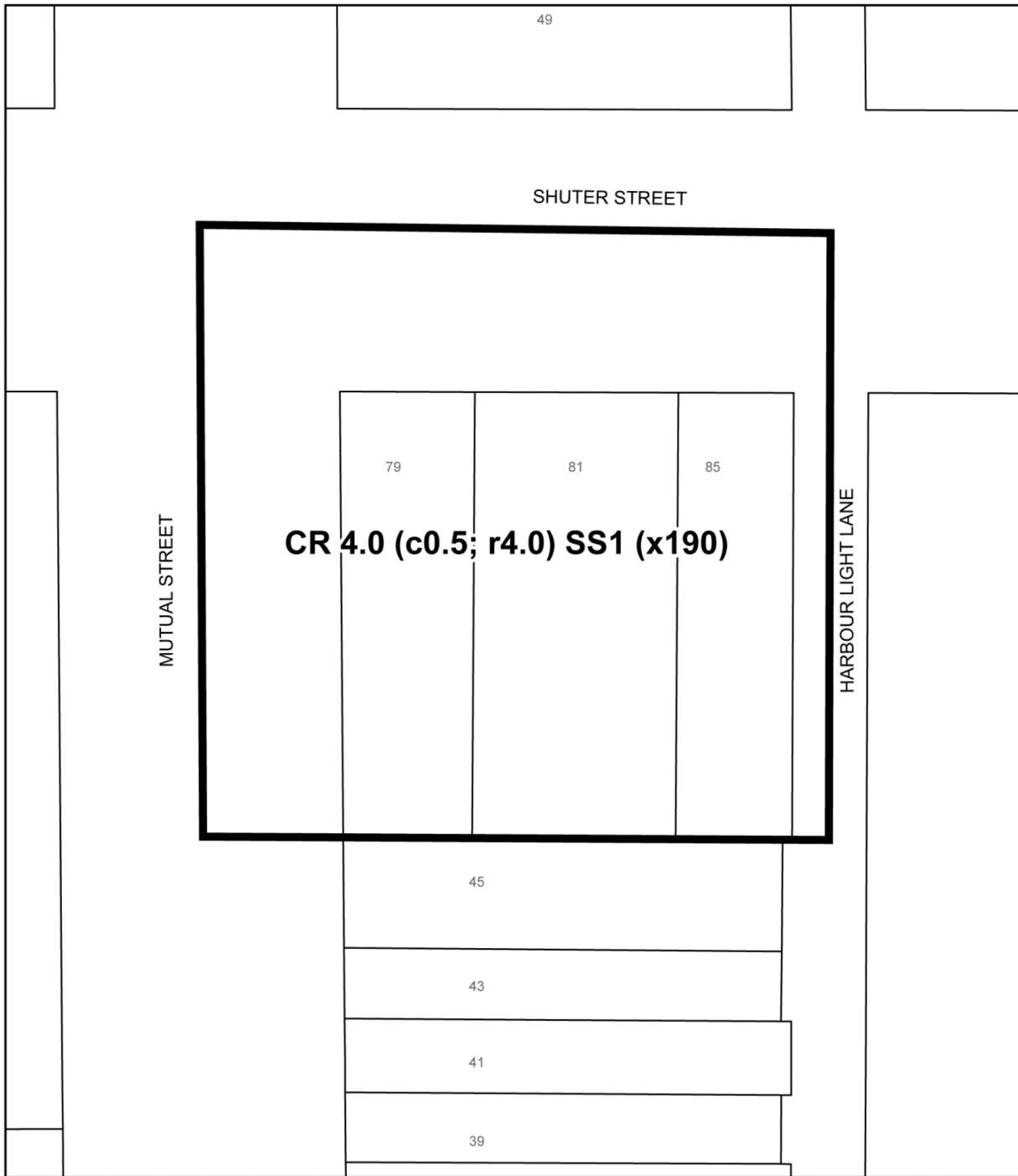
Prevailing By-law and Prevailing Sections:

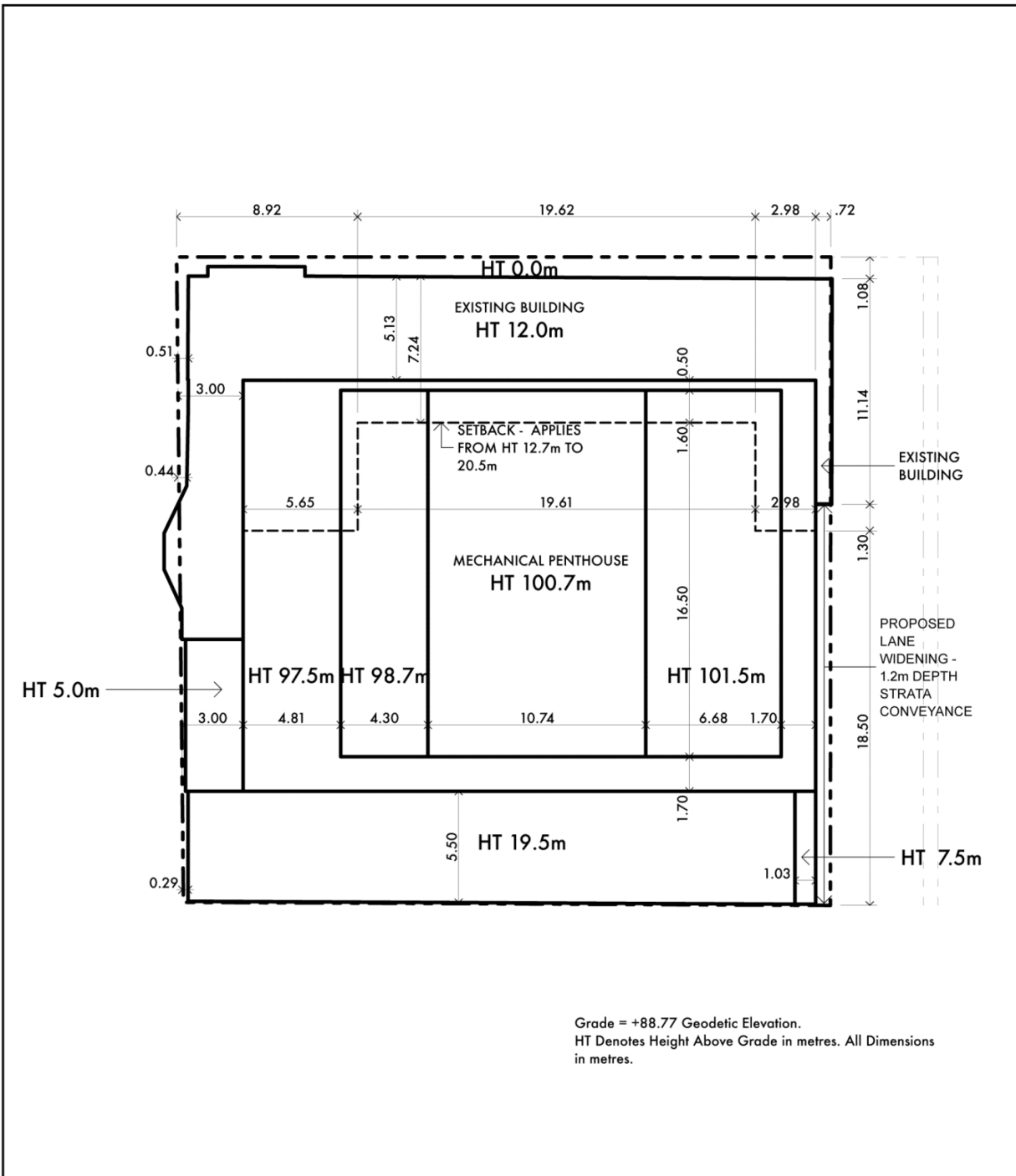
- (A) Section 12(2)132 of former City of Toronto By-law 438-86; and
 - (B) Section 12(2)216 of former City of Toronto By-law 438-86.
5. Within the lands shown on Diagram 1, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the 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.
6. No portion of any **building** or **structure** on the lands on Diagram 1 attached to this By-law may 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, as amended.
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/or density of the development 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 of 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 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; and

- c. The owner shall not use, or permit the use of, a building or structure erected with an increase in height or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

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.







SCHEDULE A
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.