

Authority: Ontario Land Tribunal Decision/Order issued on August 21, 2019 and October 6, 2021 in Tribunal File PL170624

CITY OF TORONTO

BY-LAW 845-2021(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2020 as 18-32 Eastern Avenue, 1 Gilead Place and 2 Sackville Street.

Whereas the Ontario Land Tribunal pursuant to its Decisions/Orders issued on August 21, 2019, and on October 6, 2021 in respect of Tribunal Case PL170624, upon hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, deems it advisable to amend the Zoning By-law for the City of Toronto, being By-law 569-2013, as amended, with respect to lands municipally known in the year 2020 as 18-32 Eastern Avenue, 1 Gilead Place and 2 Sackville Street; 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/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 the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and/or density of development; 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/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;

Now therefore pursuant to the Order of the Ontario Land Tribunal, By-law 569-2013 is further amended as follows:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to By-law 845-2021(OLT).
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 adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following

zone label to these lands: CR SS2 (x401) as shown on Diagram 2 attached to By-law 845-2021(OLT).

4. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number 401 so that it reads:

(401) Exception CR 401

The lands, or portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) For the lands known municipally as 18-32 Eastern Avenue, 1 Gilead Place and 2 Sackville Street, outlined by heavy black lines on Diagram 1, if the requirements of Section 6 and Schedule A of By-law 845-2021(OLT) are complied with a **building** or **structure** may be erected and used in compliance with regulations (B) to (LL) below;
- (B) Despite regulation 40.10.30.1(1), the requirements in this exception and By-law 569-2013 apply collectively to the lands delineated by heavy black lines on Diagram 1 attached to By-law 845-2021(OLT) for those **lots** or portions of **lots** within the CR SS2 (x401) zone;
- (C) Despite regulation 40.10.40.40(1), the total **gross floor area** of all **buildings** and **structures** permitted on the lands identified on Diagram 1 of By-law 845-2021(OLT) is 26,500 square metres, provided:
- (i) the maximum residential **gross floor area** is 25,000 square metres; and
- (ii) the maximum non-residential **gross floor area** is 1,500 square metres;
- (D) Despite regulation 40.5.40.40(3), in addition to the exclusions listed in regulation 40.5.40.40(3) that apply to the lands identified on Diagram 1 of By-law 845-2021(OLT), the **gross floor area** of a **mixed use building** is also reduced by the area in the **building** used for:
- (i) all **bicycle parking spaces** provided at and above-ground and if **bicycle parking spaces** are located in enclosed room, any access aisles inside the said room;
- (ii) all indoor **amenity space** in excess of that required by this exception;
- (E) Despite article 900.11.10.341 and regulation 40.10.20.40(1)(B), **dwelling units** are permitted in a **mixed use building** on the lands identified on Diagram 1 of By-law 845-2021(OLT);
- (F) Despite regulation 40.10.40.1(1), residential use portions of a **building** may be located below or on the same level as non-residential use portions of a **building** and **dwelling units** may be located in the first **storey** of a **building**;

- (G) The maximum number of **dwelling units** permitted on the lands identified on Diagram 1 of By-law 845-2021(OLT) is 380;
- (H) The provision of **dwelling units** on the lands identified on Diagram 1 of By-law 845-2021(OLT) is subject to the following:
- (i) a minimum of 15 percent of the total number of **dwelling units** must contain two bedrooms;
 - (ii) a minimum of 10 percent of the total number of **dwelling units** must contain three or more bedrooms; and
 - (iii) an additional 15 percent of the total number of **dwelling units** may be any combination of two bedroom and three bedroom units;
- (I) For the purpose of this exception, regulation 40.10.20.100(1) does not apply to **eating establishments, entertainment places of assembly, recreation uses and take-out eating establishments** on the lands identified on Diagram 1 of By-law 845-2021(OLT);
- (J) For the purpose of this exception, regulation 150.100.30.1(1) does not apply to an **eating establishment** on the lands identified on Diagram 1 of By-law 845-2021(OLT);
- (K) Despite regulations 40.5.40.10(1) and (2) and for the purpose of this exception, the height of a **building** or **structure** is the distance between the elevation of the highest point of the **building** or **structure** and the Canadian Geodetic Datum elevation of 79.89 metres, except for those elements otherwise expressly permitted to project above the height limits set out below;
- (L) Despite regulations 40.10.40.10(2) and 40.10.40.70(2)(E), (F), (G) and (H), subject to subsection (K) above the permitted maximum **height** of a **building** or **structure** is the numerical value, in metres, following the letters "HT" on Diagram 3 to By-law 845-2021(OLT);
- (M) Despite regulations 40.5.40.10(4), (5), (6), (7) and (8), 40.5.75.1(2), and 40.10.40.10(2), and 40.10.40.70(2)(E), (F), (G) and (H), and subsections (K) and (L) above, the following **building** elements and **structures** may project above the permitted maximum **building** height limits shown on Diagram 3 in accordance with the following:
- (i) mechanical equipment, solar panels and equipment, guardrails, railings, bollards, balustrades, eaves, roof drainage, balcony and terrace guards, fences, planters, cornices, and seating areas, retaining walls, balcony and terrace dividers, decorative screens, privacy screens, wheelchair ramps and ramps to underground, and safety and wind protection/mitigation features, may project a maximum of 3.0 metres above the height limits shown on Diagram 3 and may be located closer than 2.0 metres from the interior face of any **main wall**, but must not exceed a height limit of

- 43.1 metres above the Canadian Geodetic Datum elevation of 79.89 metres;
- (ii) exoskeleton **structures**, stairs and stair enclosures, elevator overruns, ornamental elements, landscape elements, structures used for outside or open-air recreation including pools and associated equipment, light monitors, light fixtures, pergolas, architectural features, trellises, awnings and canopies may project a maximum of 4.0 metres above the height limits shown on Diagram 3 and may be located closer than 2.0 metres from the interior face of any **main wall**, but must not exceed a height limit of 43.1 metres above the Canadian Geodetic Datum elevation of 79.89 metres; and
 - (iii) eaves, cornices, roof drainage, guardrails, railings, stairs, lightning rods, ventilation, heating or cooling related equipment such as chimneys, stacks, flues, vents, air intakes and exhausts, antennas, satellite dishes and cellular arrays, parapets, window washing equipment and elements of a **green roof** may project a maximum of 2.5 metres above the height limits shown on Diagram 3;
- (N) Despite regulation 40.10.40.10(5), the minimum height of the **first floor** devoted to non-residential uses, measured between the floor level of the first **storey** and the ceiling of the first **storey**, is 3.8 metres;
 - (O) Despite regulation 40.10.40.10(5), the minimum height of the **first floor** devoted to residential uses, measured between the floor level of the first **storey** and the ceiling of the first **storey**, is 2.8 metres;
 - (P) Despite regulations 5.10.40.70(1), 40.5.40.70(1), 40.10.40.70(2) and (4), and 600.10.10(1)(A) and article 900.11.10.341, the required minimum **building setbacks** for **buildings** and **structures** are as shown in metres on Diagram 3 of By-law 845-2021(OLT);
 - (Q) Despite article 900.11.10.341 and regulations 40.10.40.60(9) and 40.10.40.70(2)(E), (F), (G) and (H) and subsections (L), (M) and (P) above, no **angular planes** or related **main wall building setback** requirements are applicable to the lands identified on Diagram 1 of By-law 845-2021(OLT);
 - (R) Despite regulation 600.10.10(1)(C), the required minimum separation distance between **main walls** of the same tower must be 11.0 metres as shown on Diagram 3 of By-law 845-2021(OLT);
 - (S) Despite regulations 5.10.40.70(1), 40.5.40.60(1), 40.10.40.60(1), (2), (3), (4), (5), (6) and (7), 40.10.40.70(2), and 600.10.10(1)(A), (C), (D), (E) and (F) and subsections (P) and (R) above, the following may encroach into the required **building setbacks**, the required separation distance between **main walls** with windows, the required separation distance between **main walls** of the same tower, as shown on Diagram 3 of By-law 845-2021(OLT):

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- (i) at or on the level of the ground - planters, seating areas, light fixtures, decorative screens, privacy screens, ornamental elements, art and landscape features, **landscaping**, patios, decks, ventilation shafts, railings, fences, site servicing features, retaining walls, bollards, air shafts, wheel chair ramps and vehicular parking ramps, may project or encroach by a maximum of 5.5 metres;
 - (ii) above the level of the ground - balconies, balcony platforms, balcony guards and dividers, may project or encroach by a maximum of 1.8 metres;
 - (iii) awnings, canopies and all vertical extensions of such awnings and canopies and related architectural elements may project or encroach by a maximum of 5.0 metres; and
 - (iv) eaves, roof drainage, cornices, ornamental elements, light fixtures, parapets, window washing equipment, architectural flutes and window sills, may project or encroach by a maximum of 0.5 metres;
- (T) Despite regulation 40.5.40.60(1), a canopy, awning or similar **structure**, with or without structural support, may encroach into a required minimum **building setback** from any **lot line** along Gilead Place and from any **lot line** along Sackville Street without the 5.0 metre height limitation for such canopy, awning or similar **structure**;
- (U) Despite regulation 40.10.40.50(1), **amenity space** must be provided on the lands identified on Diagram 1 of By-law 845-2021(OLT) in accordance with the following rates:
- (i) a minimum of 2.0 square metres of indoor **amenity space** per **dwelling unit**; and
 - (ii) a minimum of 2.0 square metres of outdoor **amenity space** per **dwelling unit**;
- (V) Despite regulations 40.10.50.10(1), (2) and (3), no **landscaping** or fencing is required along any portion of a **lot line** that abuts a **lot** in the Residential Zone category;
- (W) Despite clause 40.10.100.10, **vehicle** access to the lands shown on Diagram 1 of By-law 845-2021(OLT) must be from Sackville Street;
- (X) Despite regulation 200.5.1.10(12)(C), the **vehicle** entrance or exit to the **building** may be located within 5.0 metres of a **lot line** abutting the **street**;
- (Y) Despite article 900.11.10.341, regulations 200.5.1(2), 200.10.1(1) and (2), clause 200.5.10.1 and table 200.5.10.1, **parking spaces** must be provided and maintained as follows:

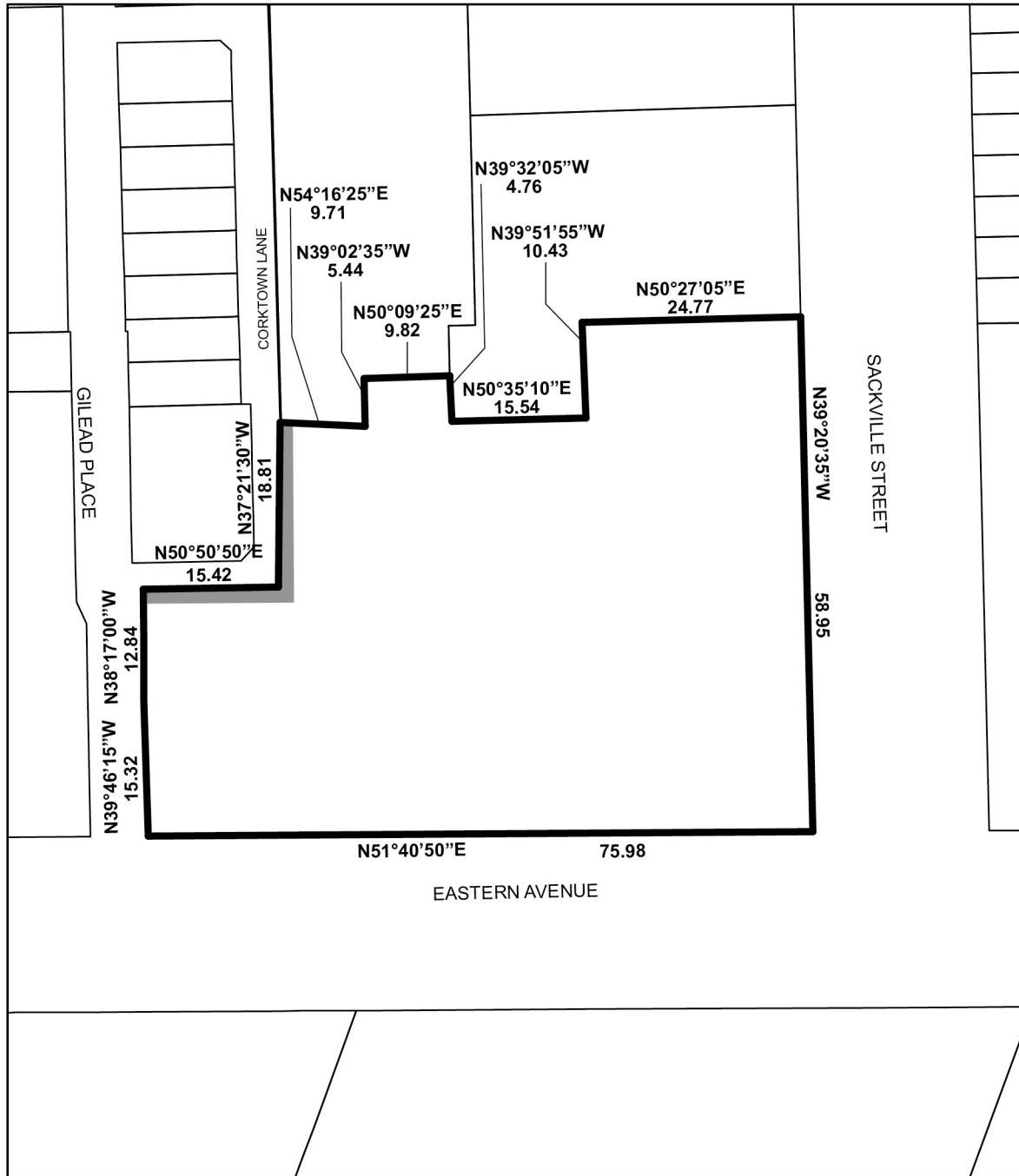
- (i) a minimum of 0.3 **parking spaces** for each **dwelling unit** for the use of residents of the **building**, subject to the provision of "car-share **parking spaces**" in subsection (CC) below; and
 - (ii) a minimum of 0.06 **parking spaces** for each **dwelling unit** provided on a non-exclusive basis, for the shared use of residential visitors and non-residential uses, and may be provided within a **public parking** facility;
- (Z) Despite clause 200.5.10.1 and table 200.5.10.1, no **parking spaces** are required for for uses permitted under regulations 40.10.20.10(1)(A) and 40.10.20.20(1)(A);
- (AA) Despite regulations 200.5.1.10(2) and 200.10.1(3), a maximum of 4 **parking spaces** may have a minimum length of 5.0 metres;
- (BB) Despite regulations 200.5.1.10(2)(A)(iv) and (D), Electric Vehicle Infrastructure, including electrical vehicle supply equipment, does not constitute an obstruction to a **parking space**;
- (CC) Despite subsection (Y) above, up to a maximum of 6 "car-share **parking spaces**" may be provided and for each "car-share **parking space**" provided, the minimum number of required **parking spaces** for residents may be reduced by four (4) **parking spaces**, exclusive of required accessible **parking spaces**, where for the purpose of this exception:
 - (i) "car-share" means the practice whereby 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 and such car-share motor **vehicles** are made available to at least the occupants of the **building** for short term rental, including hourly rental; and
 - (ii) a "car-share **parking space**" means a **parking space** exclusively used for car-share purposes;
- (DD) Despite regulations 200.15.1(1) and (3), accessible **parking spaces** will be provided on the lands identified on Diagram 1 of By-law 845-2021(OLT) with the following minimum dimensions and requirements:
 - (i) width of 3.4 metres;
 - (ii) length of 5.6 metres;
 - (iii) vertical clearance of 2.1 metres; and
 - (iv) the entire length of an accessible **parking space** must be adjacent to a 1.5 metres wide accessible barrier free aisle or path on one side of the accessible **parking space**;
- (EE) Despite regulation 200.15.1(4), accessible **parking spaces** may not be the **parking spaces** closest to a barrier free entrance to a **building** or passenger elevator or be the shortest route from such entrance or elevator;

- (FF) Despite clauses 40.10.90.1, 220.5.1, 220.5.1.10 and 220.5.10.1, one (1) shared Type "B"/Type "G" **loading space** must be provided in accordance with the following minimum dimensions:
- (i) length of 13.0 metres;
 - (ii) width of 4.0 metres; and
 - (iii) vertical clearance of at least 6.1 metres;
- (GG) Despite clause 40.10.90.40, **vehicle** access to a **loading space** must be from Sackville Street and access to a **loading space** is permitted across a **lot line** that abuts a **street**;
- (HH) Despite regulations 230.5.1.10(4) and (5), a **stacked bicycle parking space** must have the following minimum dimensions:
- (i) length of 1.6 metres;
 - (ii) width of 0.4 metres; and
 - (iii) vertical clearance of 1.1 metres;
- (II) Despite regulation 230.5.1.10(7), no shower and change facilities are required on the lands identified on Diagram 1 of By-law 845-2021(OLT);
- (JJ) Despite regulation 230.5.10.1(1) and Table 230.5.10.1(1), 3 **bicycle parking spaces** are required for all uses of the lands identified on Diagram 1 of By-law 845-2021(OLT) other than **dwelling units**;
- (KK) Despite regulations 230.5.1.10(9) and (10) and 230.40.1.20(1), "long-term" **bicycle parking spaces** may be located in a **stacked bicycle parking space** arrangement, in any combination of vertical, horizontal or stacked positions, may be located in a secured room or area on the first floor, mezzanine or second floor of a **building** above ground or any level below ground without any **bicycle parking space** occupation increment requirements and "long-term" **bicycle parking spaces** associated with non-residential uses may be located in an area of a **building** used for non-residential purposes; and
- (LL) Despite regulations 230.5.1.10(9) and (10) and clause 230.40.1.20, "short-term" **bicycle parking spaces** may also be located in a **stacked bicycle parking space** arrangement, in any combination of vertical, horizontal or stacked positions, may be located in a secured room or area on the first floor, mezzanine or second floor of a **building** above ground or any level below ground and may be located more than 30 metres from a pedestrian entrance.

Prevailing By-laws and Provisions: (None Apply)

5. Despite any existing or future severances, partition, or division of the lands subject to this By-law, the provisions of this By-law will apply to the whole of the lands as if no severance, partition, or division had occurred.
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 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 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 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.
 - (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant Exception CR SS2 (x401), as amended, unless all provisions of Schedule A are satisfied.

Ontario Land Tribunal Decision/Order issued on August 21, 2019 and October 6, 2021 in Tribunal File PL170624.




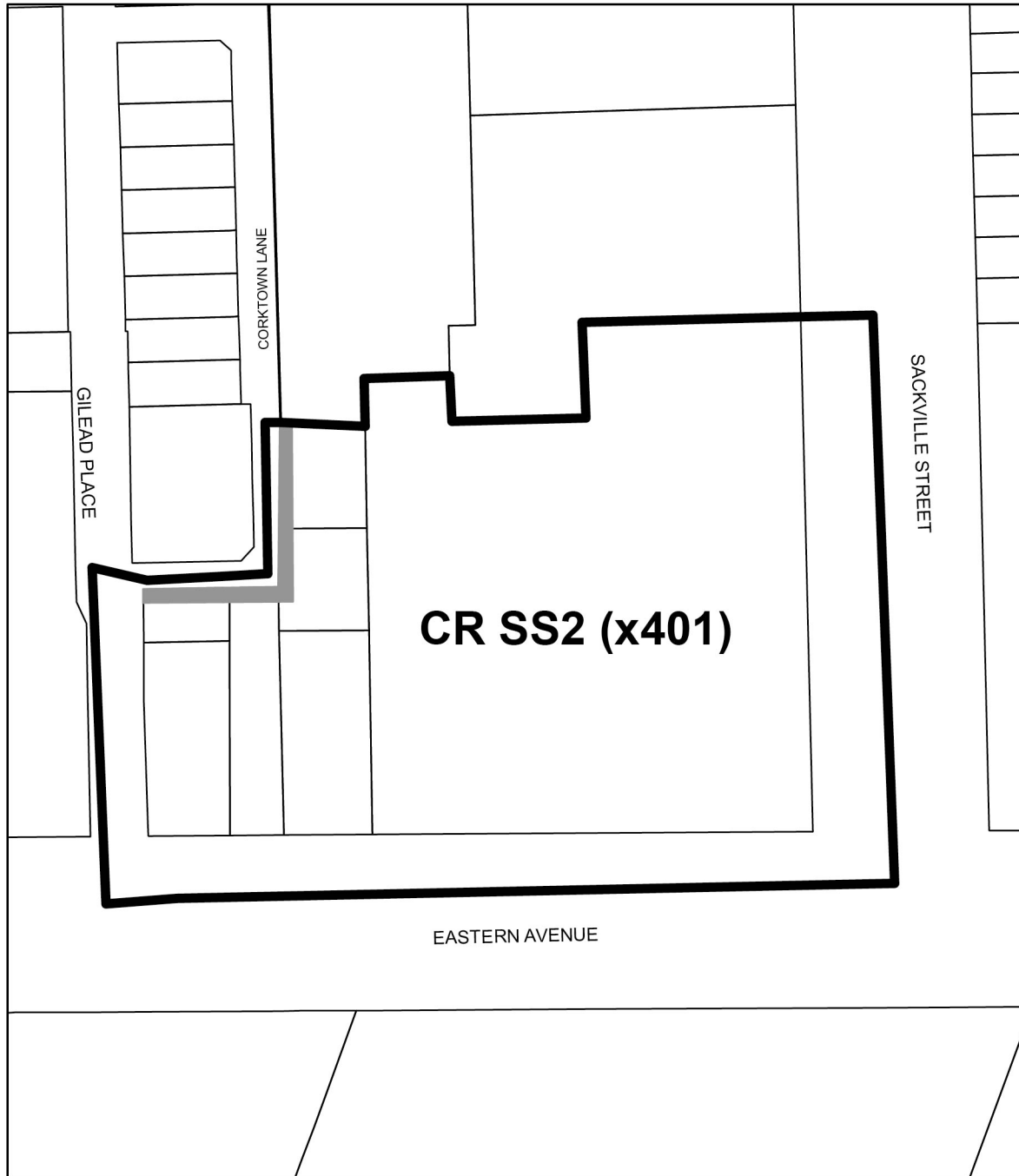
 **TORONTO**
Diagram 1

**18-32 Eastern Ave., 1 Gilead
Place & 2 Sackville St.**

File #: 16 216777 STE 28 0Z

 Laneway widening to be conveyed to the City



City of Toronto By-law 569-2013
Not to Scale
08/17/2021



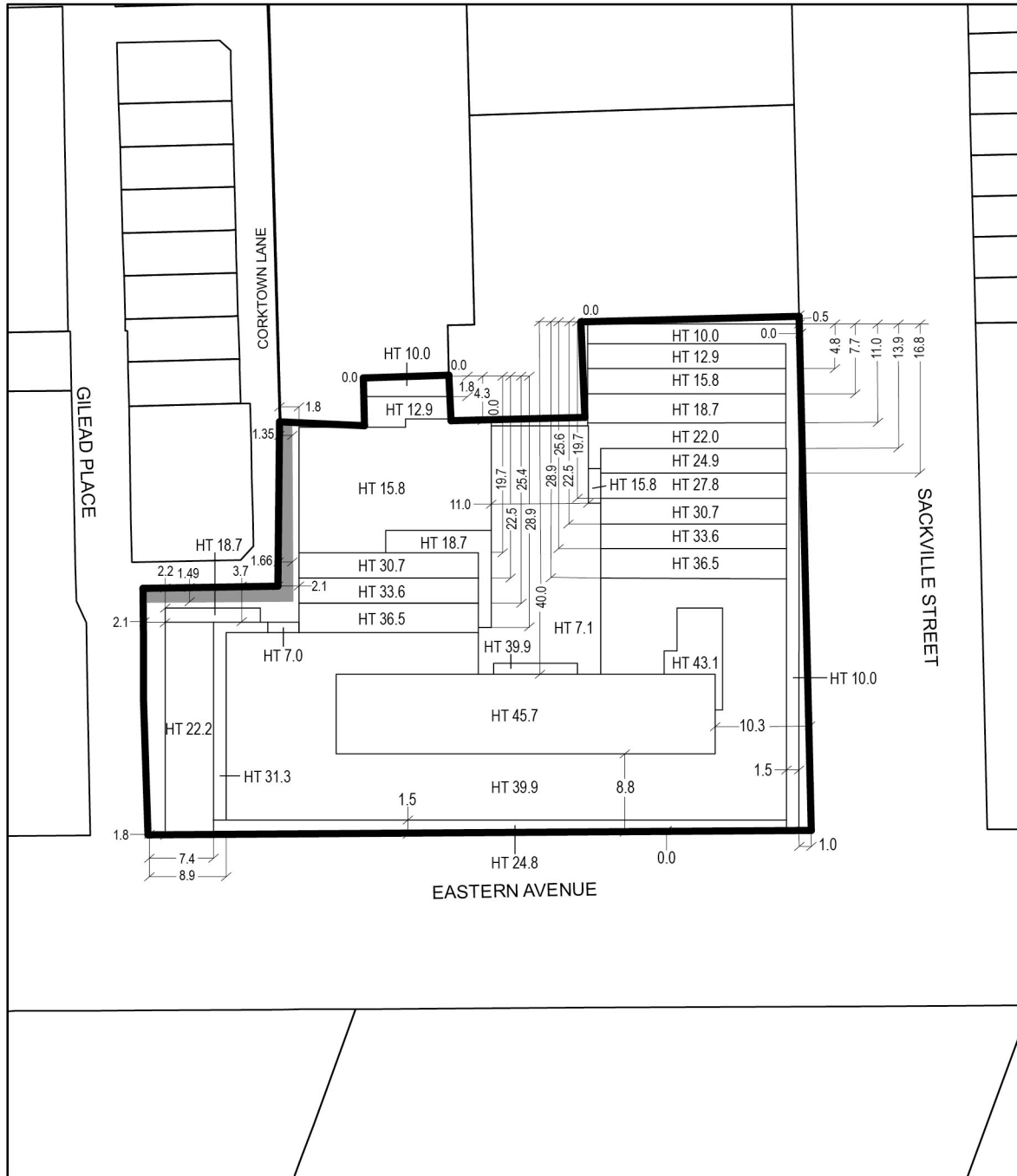
 **TORONTO**
Diagram 2

**18-32 Eastern Ave., 1 Gilead
Place & 2 Sackville St.**

File #: 16 216777 STE 28 OZ

 Laneway widening to be conveyed to the City







 **TORONTO**
Diagram 3

**18-32 Eastern Ave., 1 Gilead
Place & 2 Sackville St.**

File #: 16 216777 STE 28 0Z

 Laneway widening to be conveyed to the City


City of Toronto By-law 569-2013
Not to Scale
08/17/2021

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/or density of the proposed development of the lands and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

1. Prior to the issuance of the first above grade building permit, the owner shall provide a cash contribution of \$2,100,000 (the "Cash Contribution") to the City to be used by the City in its sole discretion for the provision of affordable housing and/or streetscape and parkland improvements in the vicinity of the lands; public realm or park improvements in the vicinity of the lands. The Cash Contribution shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor calculated from the date of the Section 37 agreement to the date of payment.
2. Prior to issuance of "notice of approval conditions" for site plan approval for the development of the lands the owner must have, in consultation with City Planning and any other City officials, created a working group and consulted with the local community, including the local residents association and other stakeholders to deal with the following matters:
 - a. A construction management plan, including noise and vibration studies and a traffic management plan;
 - b. Landscape and public realm plans;
 - c. Building materials and lighting; and
 - d. Other matters as may be identified by the Ward Councillor.
3. Prior to the issuance of the first above grade building permit, the owner shall submit a construction management plan to the satisfaction of the Chief Planner and Executive Director, City Planning, and the Ward Councillor.
4. In the event the Cash Contribution referred to in Section 1 above 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, City Planning, in consultation with the local Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.