

Authority: Local Planning Appeal Tribunal Decision issued on January 28, 2019 and Ontario Land Tribunal Order issued on October 8, 2021 for Tribunal Case PL170623

## CITY OF TORONTO

### BY-LAW 862-2021(OLT)

**To amend former City of Toronto By-law 438-86, as amended, with respect to lands known municipally in the year 2021 as 6 Noble Street.**

Whereas the Local Planning Appeal Tribunal, by its Decision issued on January 28, 2019, and by the Order issued by the Ontario Land Tribunal on October 8, 2021 in File PL170623 approved amendments to the former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands known municipally as 6 Noble Street; and

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

1. Except as otherwise provided herein, the provisions of former City of Toronto By-law 438-86, as amended, shall continue to apply to the *lot*.
2. None of the provisions of Section 2(1) with respect to the definitions of *grade*, *height*, and *lot* and or sections 4(2)(a), 4(4)(b), 4(12), 4(13)(a), 9(1), and 9(3) of By-law 438-86 of the former City of Toronto, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto" shall apply to prevent the erection and use of a *mixed-use building* on the *lot*, provided that:
  - (a) the *lot* on which the building is located comprises at least those lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
  - (b) the following uses are permitted on the *lot*:
    - (i) a *mixed-use building* containing *dwelling units*; and
    - (ii) a *park*, a *day-nursery*, a *charitable institution*, a *non-profit institution*, a *public art gallery*, a *post office*, a *bake-shop*, a *dry-cleaning shop*, a *laundry shop*, a *newsstand*, a *personal grooming establishment*, a *pet shop*, a *private art gallery*, a *restaurant*, a *retail store*, *services*, *rental or repair shop*, a *tailoring shop*, a *take-out restaurant*, an *artist's or photographer's studio*, a *custom workshop*, a *publisher*, a *temporary sales office*, and an *office*;
  - (c) the total combined *residential gross floor area* and *non-residential gross floor area* shall not exceed 9,500 square metres, of which a minimum of at least 40 square metres shall be *non-residential gross floor area*;
  - (d) no portion of the *mixed-use building* erected or used above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached

Map 2 with the exception of the following provided that the projection of such item does not exceed a maximum of 2.0 metres beyond the heavy lines shown on the attached Map 2:

- (i) balconies, balustrades, building cornices, canopies, eaves, landscape and public art features, light fixtures, ornamental and architectural elements, outdoor fireplaces, parapets, planters, railing and fences, terrace dividers and screens, trellises, underground garage ramps, vent caps, wheelchair ramps, window frames and sills;
- (e) no part of the *mixed-use building* shall exceed the *height* limits in metres specified by the numbers following the symbol "H" as shown on Map 2 attached hereto with the exception of any of the items listed below provided that the *height* of such item does not exceed the sum of 3.0 metres and the maximum *height* limits as shown on Map 2:
- (i) Architectural features, awnings, balcony dividers; balcony guards, balustrades, chimneys, cornices, eaves, elements of rooftop solar array and associated infrastructure, elevator overruns, green roof elements, guardrails, landscape features, lighting, lighting rods, parapets, pergolas, railings, roof and terrace drainage and finishing, solar hot water heater, solar panels, stairs, stair enclosures, vents, vent caps, ventilation shafts, windscreens, window washing equipment;
- (f) *parking spaces* shall be provided and maintained on the *lot*, in accordance with the following:
- (i) 54 *parking spaces* for the residents of the *dwelling units*;
  - (ii) 6 *parking spaces* for the visitors; and
  - (iii) 0 *parking spaces* shall be required for the non-residential uses on the *lot*;
- (g) *bicycle parking spaces* shall be provided and maintained on the *lot*, in accordance with the following;
- (h) a minimum of 115 *bicycle parking spaces* consisting of 101 *bicycle parking spaces-occupant* and 14 *bicycle parking spaces-visitor*;
- (i) one *loading space – Type "G"* shall be provided and maintained on the *lot*;
- (j) A minimum of 4.0 square metres per *dwelling unit* of indoor and outdoor *residential amenity space* combined shall be provided, of which a minimum of 70 square metres shall be outdoor *residential amenity space*;
- (k) 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:
- (i) "*grade*" means an elevation of 93.36 Canadian Geodetic Datum;

- (ii) *"height"* means the vertical distance between *grade* and the highest point of the roof; and
  - (iii) *"lot"* means those lands outlined by heavy lines on Map 1 attached hereto and forming part of this By-law; and
- (1) *"temporary sales office"* means a *building* or *structure* used for the purpose of the sale of *dwelling units*.
3. None of the provisions of By-law 438-86, as amended, shall apply to prevent a *temporary sales office* on the *lot*.
4. A voluntary financial contribution by the owner of \$350,000.00 towards the provision of affordable housing within Ward 14 in the vicinity of the site shall be secured in a Section 37 Agreement executed by the owner and registered on title to the satisfaction of the Acting Director, Community Planning, Toronto and East York District and the City Solicitor prior to the issuance of the first above-grade building permit. This voluntary financial contribution shall include provision for upwards indexing in accordance with the Statistics Canada Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date the payment is made, as detailed in Appendix 1.
5. Notwithstanding any existing or future severance, partition or division of the *lot*, the provisions of this by-law shall apply to the whole *lot* as if no severance, partition or division has occurred.

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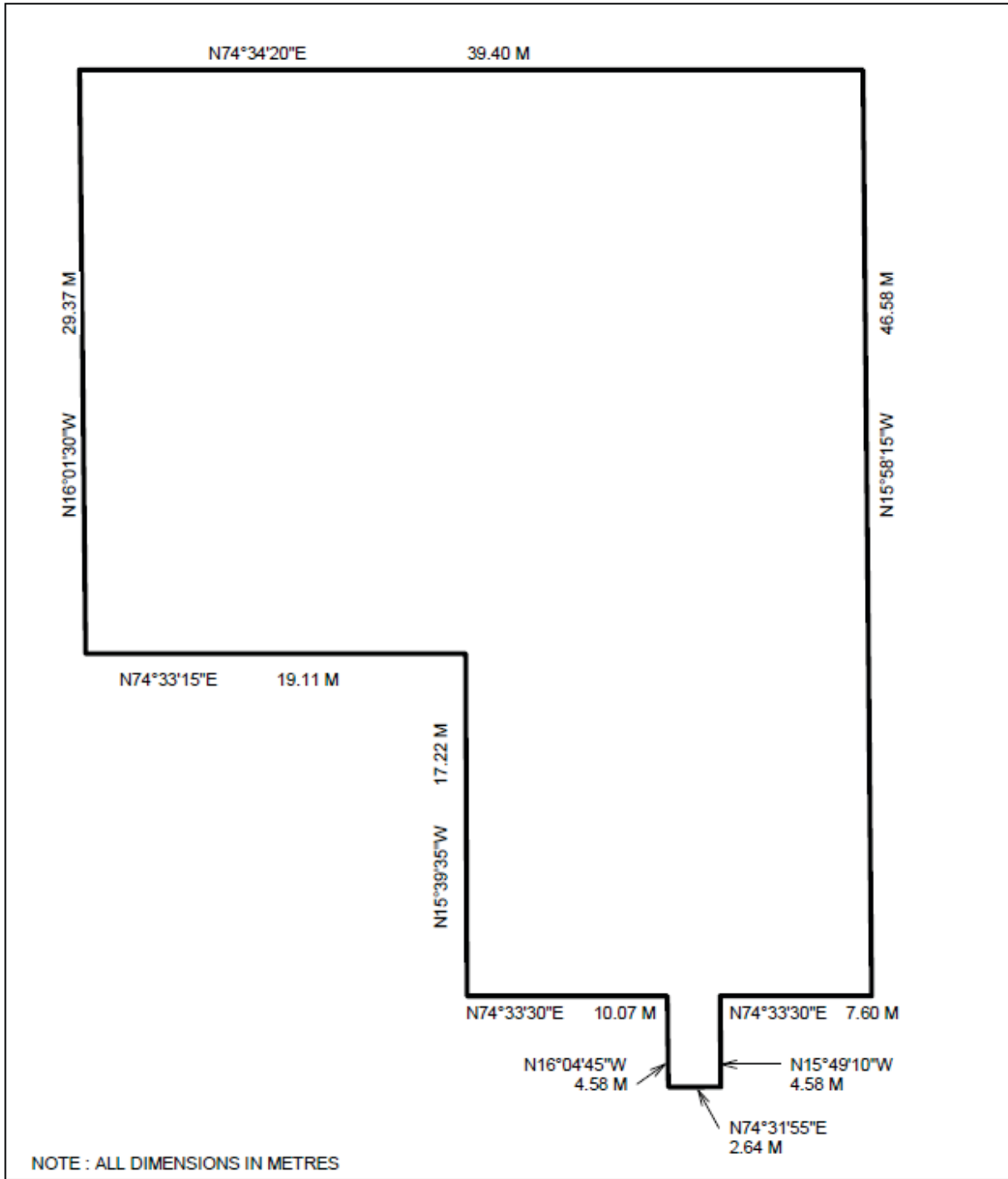
## Appendix 1

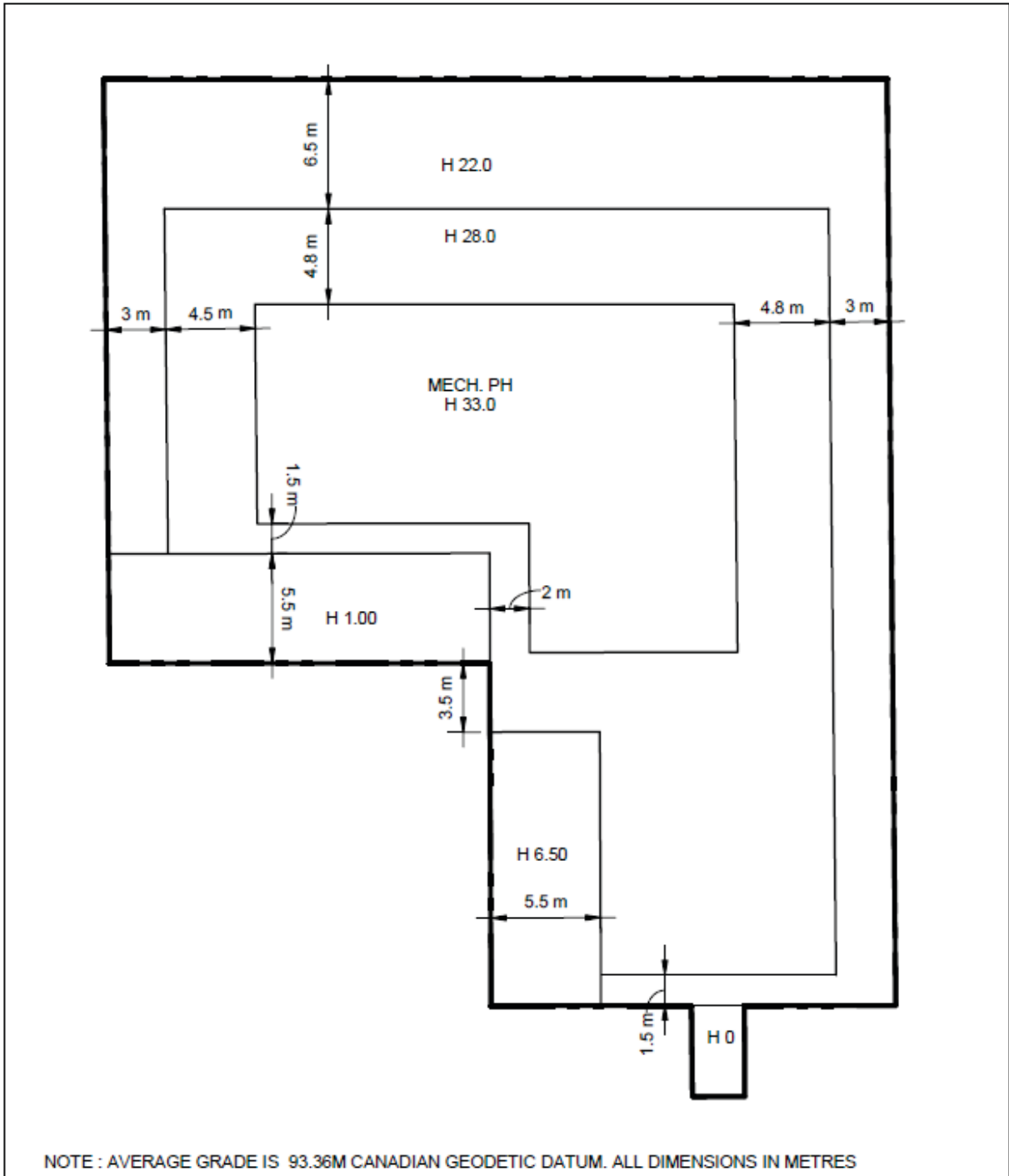
### Section 37 Provisions

Upon execution and registration in priority of an agreement or agreements with the owner, pursuant to Section 37 of the Planning Act, with conditions providing for without limitation, indexing escalation of letters of credit, development charges, indemnity, and registration, satisfactory to the City Solicitor, securing the provision of the facilities, services and matters set out herein, the facilities, services and matters set out below are required to be provided to the City by the owner of the lands at the owner's expense in accordance with this By-law, and 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:

1. A voluntary financial contribution by the owner of \$350,000.00 towards the provision of affordable housing within Ward 14 in the vicinity of the site shall be secured in a Section 37 Agreement executed by the owner and registered on title to the satisfaction of the Acting Director, Community Planning, Toronto and East York District and the City Solicitor prior to the issuance of the first above-grade building permit. This voluntary financial contribution shall include provision for upwards indexing in accordance with the Statistics Canada Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date the payment is made.
2. The following matters are to be secured in the Section 37 Agreement as a legal convenience to support the development:
  - (a) Prior to the issuance of the first Building Permit for any Building on the Site, the Owner shall submit a construction management plan for such Building to the satisfaction of the Chief Planner, the General Manager, Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor, and shall implement the plan during the course of construction.

The construction management plan will include, without limitation, the size and location of construction staging areas, dates of significant concrete pouring, location and function of gates, lighting details, construction vehicle parking and queuing locations, refuse storage, site security, site supervisor contact information, a communication strategy with the surrounding community, and any other matters requested by the Chief Planner, the General Manager, Transportation Services, or the Chief Building Official, in consultation with the Ward Councillor.
  - (b) The Owner shall construct and maintain the Development in accordance with Tier 1, Toronto Green Standard, and the Owner will be encouraged to achieve Tier 2, Toronto Green Standard or higher, where appropriate, consistent with the performance standards of Toronto Green Standard applicable at the time of the Site Plan Application for each Building on the Site.





MAP 2

6 NOBLE STREET

□ Areas affected by this By-Law



Former City of Toronto By-Law 438-86  
Not to Scale  
2020-11-26