

Authority: Ontario Land Tribunal Decision issued on July 27, 2022 and Ontario Land Tribunal Order dated August 10, 2022 in Tribunal Case OLT-22-002336

CITY OF TORONTO

BY-LAW 1170-2022(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 8, 10, 12, 14 and 16 Locust Street and 15 Oxford Drive.

Whereas the Ontario Land Tribunal pursuant to its Decision issued on July 27, 2022 and Ontario Land Tribunal Order dated August 10, 2022 in Tribunal Case OLT-22-002336, 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 By-law 569-2013, as amended, for the City of Toronto with respect to lands municipally known as in the year 2021 as 8, 10, 12, 14 and 16 Locust Street and 15 Oxford Drive; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

Whereas pursuant to Section 39 of the Planning Act, as amended, the Council of a Municipality may, in a By-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited 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 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;

The Ontario Land Tribunal, by Order, amends By-law 569-2013 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. 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 subject to this By-law from a zone label of CR 2.0 (c2.0; r2.0) SS2 and RAC (u428)(x140) to CR 2.0 (c2.0; r2.0) SS2 x792 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 792 so that it reads:

(792) Exception CR 792

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 8, 10, 12, 14 and 16 Locust Street and 15 Oxford Drive, if the requirements of By-law 1170-2022(OLT) are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (P) below:
- (B) Despite Regulations 40.5.40.10 and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 124.5 metres and elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the number following the HT symbol in metres as shown on Diagram 3 of By-law 1170-2022(OLT);
- (D) Despite Regulations 40.5.40.10(3) to (8) and (C) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law 1170-2022(OLT);
 - (i) the erection or use of **structures** on the roof used for maintenance, safety, **green roof** purposes, roof assembly, air intakes, vents and ventilating equipment, chimney stacks, exhaust flues, parapets, elements associated with green energy and renewable energy facilities, landscape planters, balcony partitions and railings by a maximum of 2.5 metres;
 - (ii) **structures** on the roof used for wind mitigation purposes by a maximum of 3.0 metres;

- (iii) elevator overruns and garbage chute overruns, mechanical penthouses, mechanical equipment and any associated enclosure **structures**, by a maximum of 6.0 metres;
 - (iv) In addition to (D)(iii) above, elements used for **green roof** purposes and roof assembly may project above a mechanical penthouse by a maximum of 1.0 metres;
 - (v) lightning rods and window washing equipment by a maximum of 7.5 metres; and
 - (vi) A structural crash wall or other rail safety mitigation elements or **structures**.
- (E) Despite Regulation 40.10.40.10(5), the required minimum height of the first **storey**, as measured between the floor of the first **storey** and the ceiling of the first **storey**, is 3.0 metres, and:
- (i) for the purpose of this exception, a mezzanine does not constitute a **storey**.
- (F) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** is 26,000 square metres;
- (G) **Dwelling units** must be provided as follows:
- (i) a minimum of 10 percent of the total number of **dwelling units** on the **lot** must contain a minimum of three bedrooms;
 - (ii) a minimum of 25 percent of the total number of **dwelling units** on the **lot** must contain a minimum of two or three bedrooms; and
 - (iii) in the event that the calculation of the number of required **dwelling units** with two or three bedrooms results in a number with a fraction, the number shall be rounded down to the nearest whole number.
- (H) Despite Regulation 40.10.40.50(1), a **building** with 20 or more **dwelling units** must provide **amenity space** at the following rate:
- (i) at least 2.0 square metres for each **dwelling unit** as indoor **amenity space**; and
 - (ii) at least 2.0 square metres of outdoor **amenity space** for each **dwelling unit**.
- (I) Despite Regulation 40.10.40.70(2), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law 1170-2022(OLT);

- (J) Despite Clause 40.10.40.60 and (I) above, the following elements may encroach into the required minimum **building setbacks** as follows:
- (i) cornices, light fixtures, ornamental and architectural features, parapets, art and landscape features, patios, decks, pillars, pergolas, trellises, balconies, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, covered walkways, screens, site servicing features, awnings and canopies including support **structures**, window washing equipment, **bicycle parking** facilities and underground garage ramps and associated **structures**, accessory **buildings** and **structures**, and retaining walls, by a maximum of 2.0 metres; and
 - (ii) Within the area labelled as "Canopy Area" on Diagram 3, canopies on Level 2 by a maximum of 6.3 metres.
- (K) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) a minimum of 0.30 residential occupant **parking spaces** for each **dwelling unit**; and
 - (ii) a minimum of 0.06 residential visitor **parking spaces** for each **dwelling unit**.
- (L) Despite Regulation 200.5.10.1(1), "car-share parking spaces" may replace **parking spaces** in (K)(i) above required for residential occupants, subject to the following:
- (i) a reduction of 4 resident occupant **parking spaces** will be permitted for each "car-share parking space" provided and that the maximum reduction permitted be capped by the application of the following formula:
 - (a) 4 multiplied by the total number of **dwelling units** divided by 60, rounded down to the nearest whole number;
 - (ii) for the purpose of this exception, "car-share" means the practice whereby a number of people share the use of one or more motor **vehicles** 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
 - (iii) for the purpose of this exception, "car-share parking space" means a **parking space** exclusively reserved and signed for a **vehicle** used only for "car-share" purposes.
- (M) Despite Regulation 200.5.1.10(2)(A)(iv), 11 of the required **parking spaces** may be obstructed as described in Regulation 200.5.1.10(2)(D) without being required

to provide additional width for the obstructed sides of the **parking space** in accordance with the following:

- (i) A maximum of 3 **parking spaces** that are obstructed on two sides with a minimum width of 3.0 metres and depth of 5.6 metres;
 - (ii) A maximum of 4 **parking spaces** that are obstructed on one side with a minimum width of 2.56 metres and depth 5.6 metres; and
 - (iii) A maximum of 4 **parking spaces** that are obstructed on one side with a minimum width of 2.6 metres and depth 5.6 metres.
- (N) Despite Regulations 200.15.1(1), (3) and (4), accessible **parking spaces** must be provided in accordance with the following:
- (i) a minimum length of 5.6 metres;
 - (ii) a minimum width of 3.4 metres;
 - (iii) a minimum vertical clearance of 2.1 metres;
 - (iv) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre accessible barrier free aisle or path on one side of the accessible **parking space**; and
 - (v) accessible **parking spaces** must be the **parking spaces** closest to a barrier free:
 - (a) entrance to a **building**;
 - (b) passenger elevator that provides access to the first **storey** of the **building**; and
 - (c) shortest route from the required entrances in (a) and (b).
- (O) Despite Regulations 230.5.10.1(1)(3) and (5) and Table 230.5.10.1(1), **bicycle parking spaces** must be provided in accordance with the following:
- (i) 345 "long-term" **bicycle parking spaces**; and
 - (ii) 39 "short-term **bicycle parking spaces**.
- (P) Despite Article 220.5.1, a minimum of one type "G" **loading space** must be provided on the **lot**.

Prevailing By-laws and Prevailing Sections: (None Apply)

5. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
6. Temporary use(s):
 - (A) None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a sales, leasing or construction office on the **lot** for a period of not more than 3 years from the date this By-law comes into full force and effect.
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 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; and
 - (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

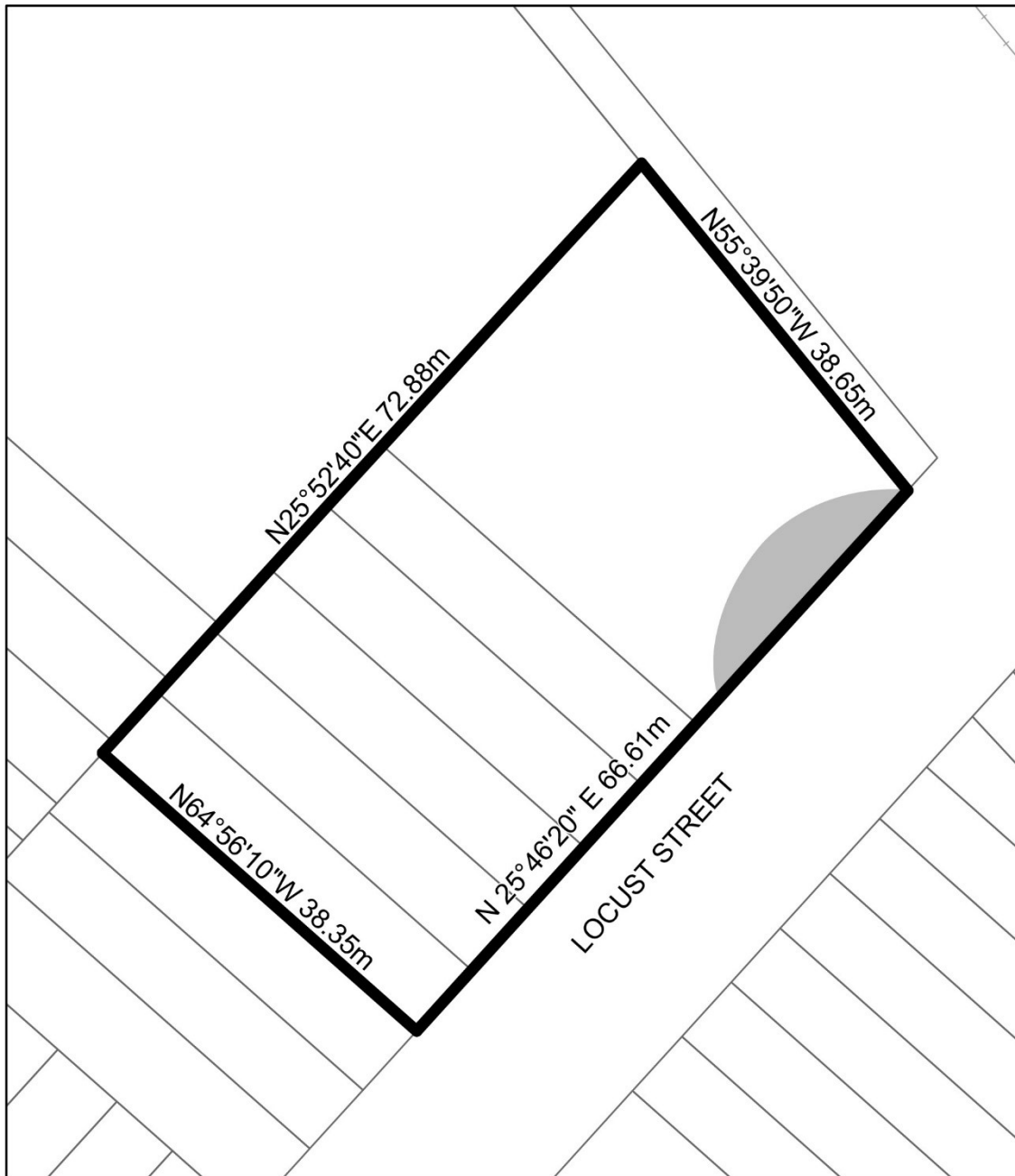
Pursuant to Ontario Land Tribunal Decision issued on July 27, 2022 and Ontario Land Tribunal Order dated August 10, 2022 in Tribunal Case OLT-22-002336.

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 the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

1. Prior to issuance of the first above-grade permit, the owner shall pay to the City a cash contribution of \$1,500,000.00 (One Million, Five Hundred Thousand) (the "Cash Contribution") to the City to be allocated as follows:
 - A. \$250,000 towards streetscape improvements in the local area beyond the site; and
 - B. \$1,250,000 towards for capital improvements for new or existing affordable housing in the vicinity of the site to the satisfaction of the Chief Planner, Executive Director, City Planning, in consultation with the local Councillor.
2. The cash contribution set out in Subsection 1 above 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 execution of the Section 37 Agreement to the date of payment of the Cash Contribution by the owner to the City.
3. In the event the Cash Contribution in Subsection 1 has not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, the Cash Contribution may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the Property.
4. The owner shall enter into an agreement to convey lands required for the cul-de-sac to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services and the City Solicitor.
5. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item 2009.PG32.3 of the Planning and Growth Management Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of Item 2009.PG23.9 of the Planning and Growth Management Committee, and as may be further amended by City Council from time to time.
6. The owner shall satisfy the requirements of the Toronto District School Board and the Toronto Catholic District School Board regarding warning clauses and signage with respect to school accommodation issues.

Diagram 1



 **TORONTO**
Diagram 1

8-16 Locust Street & 15 Oxford Drive

File # 20 113215 WET 05 0Z

 Road dedication to the City


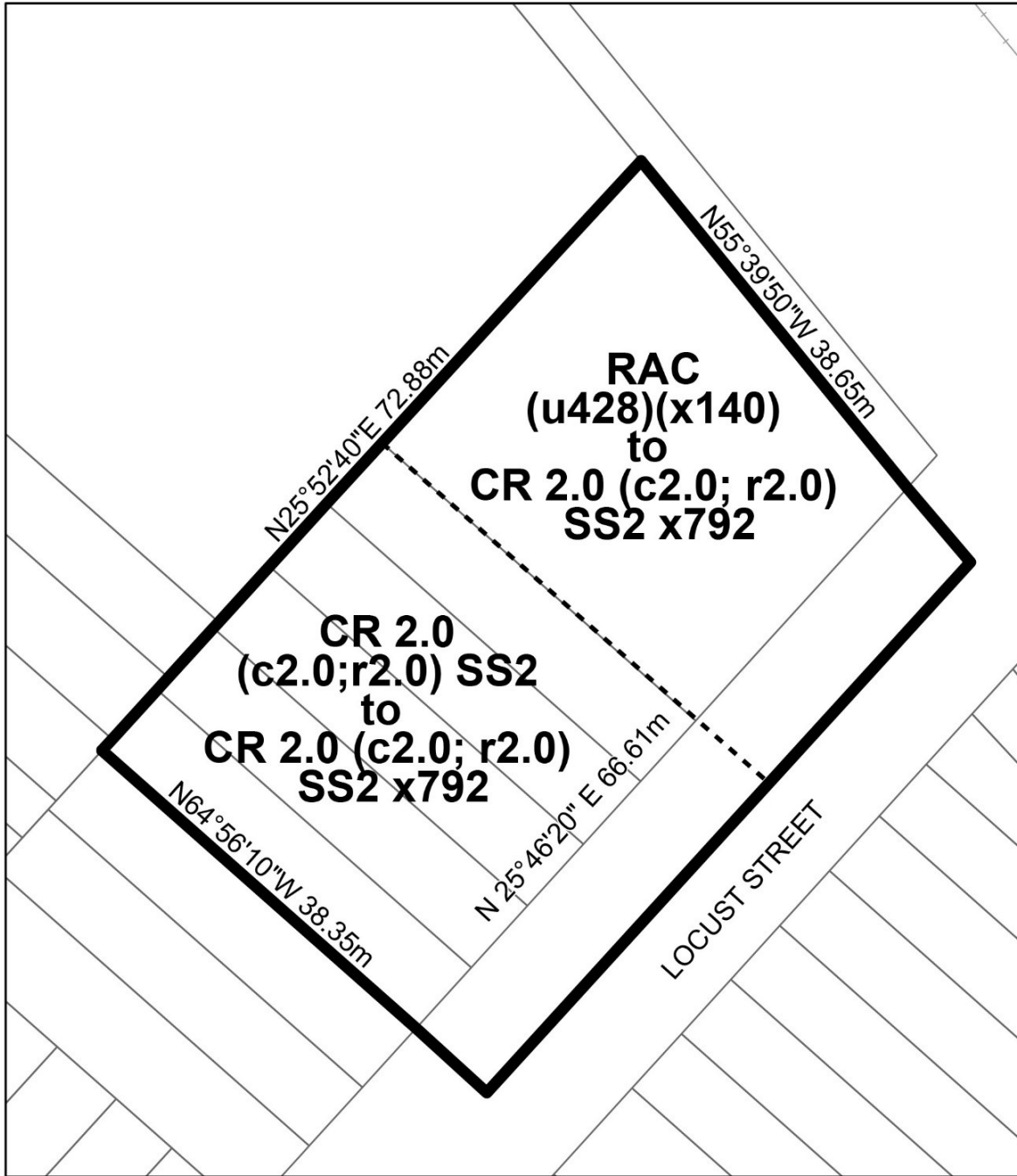

City of Toronto By-law 569-2013
Not to Scale
08/02/2022

Diagram 2

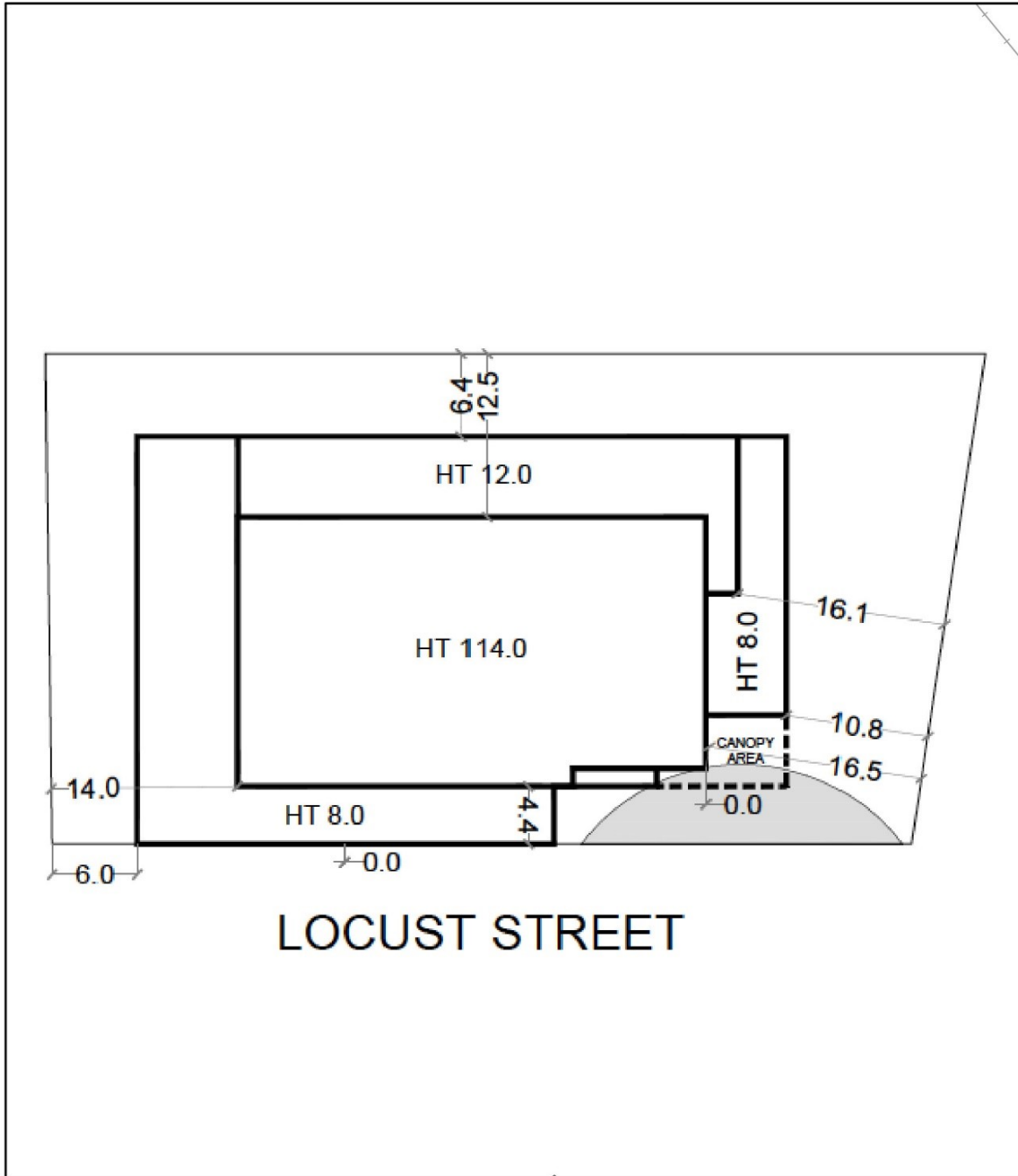


 **TORONTO**
Diagram 2

8-16 Locust Street & 15 Oxford Drive

File # 20 113215 WET 05 0Z

Diagram 3



 **TORONTO**
Diagram 3

8-16 Locust Street & 15 Oxford Drive

File # 20 113215 WET 05 0Z

 Road dedication to the City


City of Toronto By-law 569-2013
Not to Scale
08/02/2022