

Authority: Ontario Land Tribunal Decision issued on July 27, 2023 and Ontario Land Tribunal Order issued on November 1, 2023 in Tribunal File OLT-22-004283

CITY OF TORONTO

BY-LAW 1338-2023(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 45 The Esplanade.

Whereas the Ontario Land Tribunal, in its Decision issued on July 27, 2023 and its Order issued on November 1, 2023, in file OLT-22-004283 in hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, ordered the amendment of Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 45 The Esplanade; and

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

The Council of the City of Toronto enacts:

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 outlined by heavy black lines from a zone label of CR 4.0 (c4.0; r2.5) SS1 (x2366) to a zone label of CR 4.0 (c4.0; r2.5) SS1 (x 891) 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 891 so that it reads:

(891) Exception CR 891

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) A **building** or **structure** may be constructed, used or enlarged in compliance with (B) to (R) below;

- (B) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 76.95 metres and the 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 1338-2023(OLT);
- (D) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** or **structure** is the number following the ST symbol as shown on Diagram 3 of By-law 1338-2023(OLT);
- (E) 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 1338-2023(OLT):
- (i) the specific **structures** as listed under Regulation 40.5.40.10(3) may exceed the maximum height for that **building** by 6.0 metres;
 - (ii) the elements for functional operation of a **building** as listed under Regulation 40.5.40.10(4) may exceed the maximum height for that **building** by 6.0 metres; and
 - (iii) the elements for functional operation of a **building** as listed under Regulation 40.5.40.10(4) may not cover more than 40 percent of the area of the roof, measured horizontally;
- (F) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 53,100 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 45,000 square metres; and
 - (ii) the permitted maximum **gross floor area** for non-residential uses is 8,100 square metres;
- (G) The permitted maximum number of **dwelling units** is 736;
- (H) Despite Regulation 40.10.40.50(1), a minimum of 2.68 square metres of **amenity space** for each **dwelling unit** must be provided, of which:
- (i) at least 1.68 square metres for each **dwelling unit** is indoor **amenity space**;
 - (ii) at least 0.95 square metres for each **dwelling unit** is outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**;

- (I) Regulation 40.10.20.100(17) with respect to specific use conditions for a **retail service** use do not apply;
- (J) Regulation 40.10.40.50(2) with respect to **amenity space** requirements for **buildings** with non-residential uses in SS1 areas does not apply;
- (K) Despite Regulations 40.10.40.70(2) and 40.10.40.80(1), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law 1338-2023(OLT);
- (L) Despite Clause 40.5.40.60 and Regulation 40.10.40.60 and (K) above, the following elements may encroach into the required minimum **building setbacks** as follows:
- (i) platforms, decks, terraces, porches, and balconies, by a maximum of 3.0 metres;
 - (ii) canopies and awnings, by a maximum of 3.0 metres;
 - (iii) exterior stairs, access ramps and elevating devices, by a maximum of 1.5 metres;
 - (iv) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 1.0 metre;
 - (v) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, masonry element or precast concrete pier by a maximum of 1.0 metre;
 - (vi) window projections, including bay windows and box windows, by a maximum of 0.5 metres;
 - (vii) eaves, by a maximum of 1.0 metre; and
 - (viii) light fixtures, air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 1.0 metre;
- (M) Despite Regulation 970.10.15.5(5) and Table 970.10.15.5, **parking spaces** must be provided in accordance with the following:
- a. A minimum of 0.22 residential occupant **parking spaces** for each **dwelling unit**; and
 - b. A minimum of 0.06 residential visitor **parking spaces** for each **dwelling unit**;

- (N) Despite Regulation 200.5.1.10(2), a maximum of 10 percent of all **parking spaces** provided may have a minimum width of 2.4 metres, despite being obstructed pursuant to Regulation 200.5.1.10(2)(D);
- (O) A minimum of 20 percent of all **parking spaces** provided must be equipped with an **energized outlet** capable of providing **Level 2 charging** or higher to the **parking space**;
- (P) Despite Clause 220.5.10.1, one (1) Type "B", one (1) Type "C", and one (1) Type "G" **loading space** must be provided and maintained on the **lot**;
- (Q) Despite Regulation 230.5.1.10(10), "short-term" **bicycle parking spaces** may be:
 - a. located in a **stacked bicycle parking space**; and
 - b. located more than 30 metres from a pedestrian entrance to the **building** on the **lot**;
- (R) A "Publicly Owned Privately Accessible Open Space" (POPS) with a minimum size of 220 square metres must be provided within the hatched area as shown on Diagram 3 of By-law 1338-2023(OLT).

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:
 - (A) None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales centre for the sale and leasing of **dwelling units** constructed on the **lot** for a period of not more than 3 years from the date this By-law comes into full force and effect.

Pursuant to Ontario Land Tribunal Decision issued on July 27, 2023 and Ontario Land Tribunal Order issued on November 1, 2023 in Tribunal File OLT-22-004283.

Diagram 1

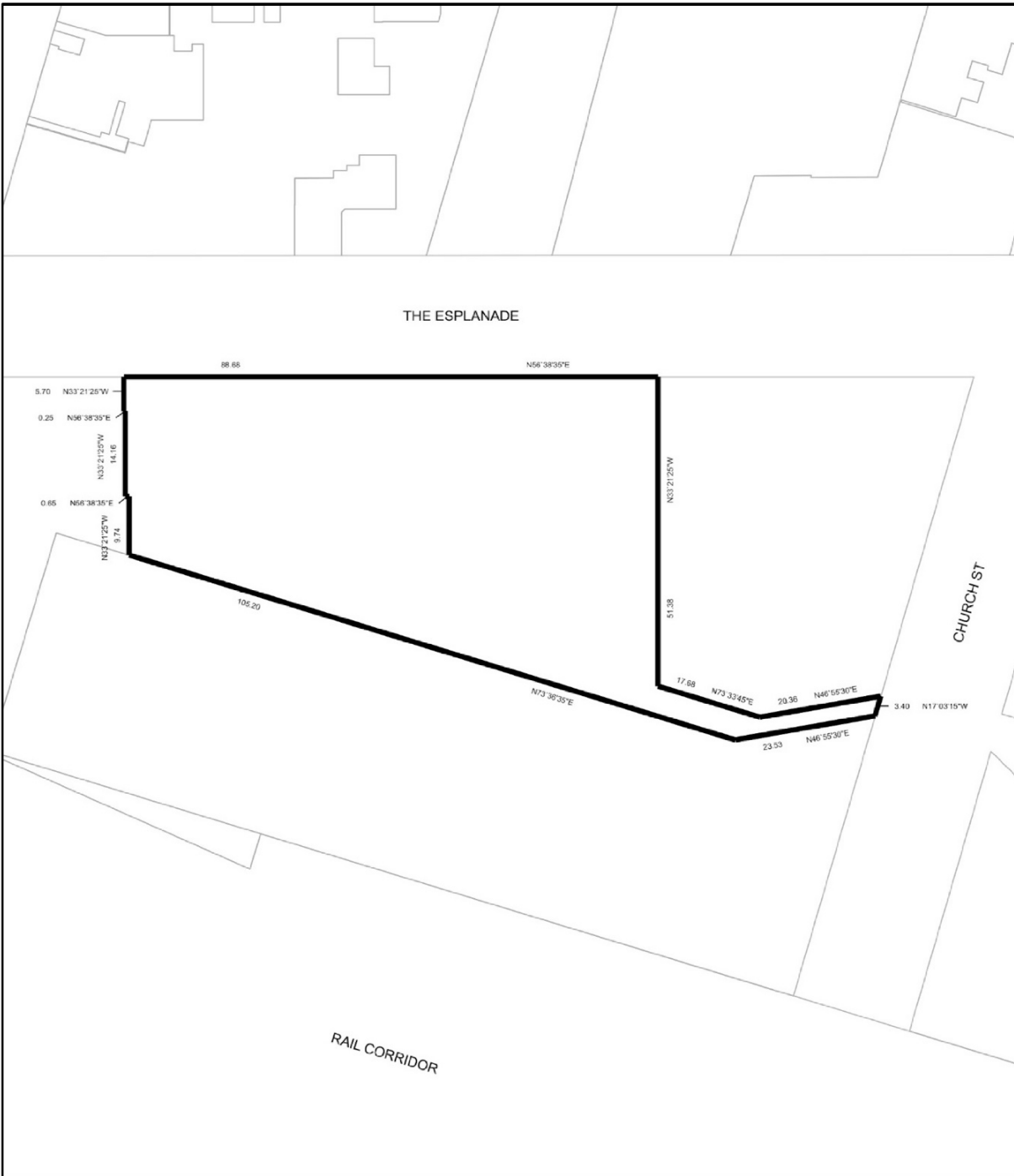


Diagram 2

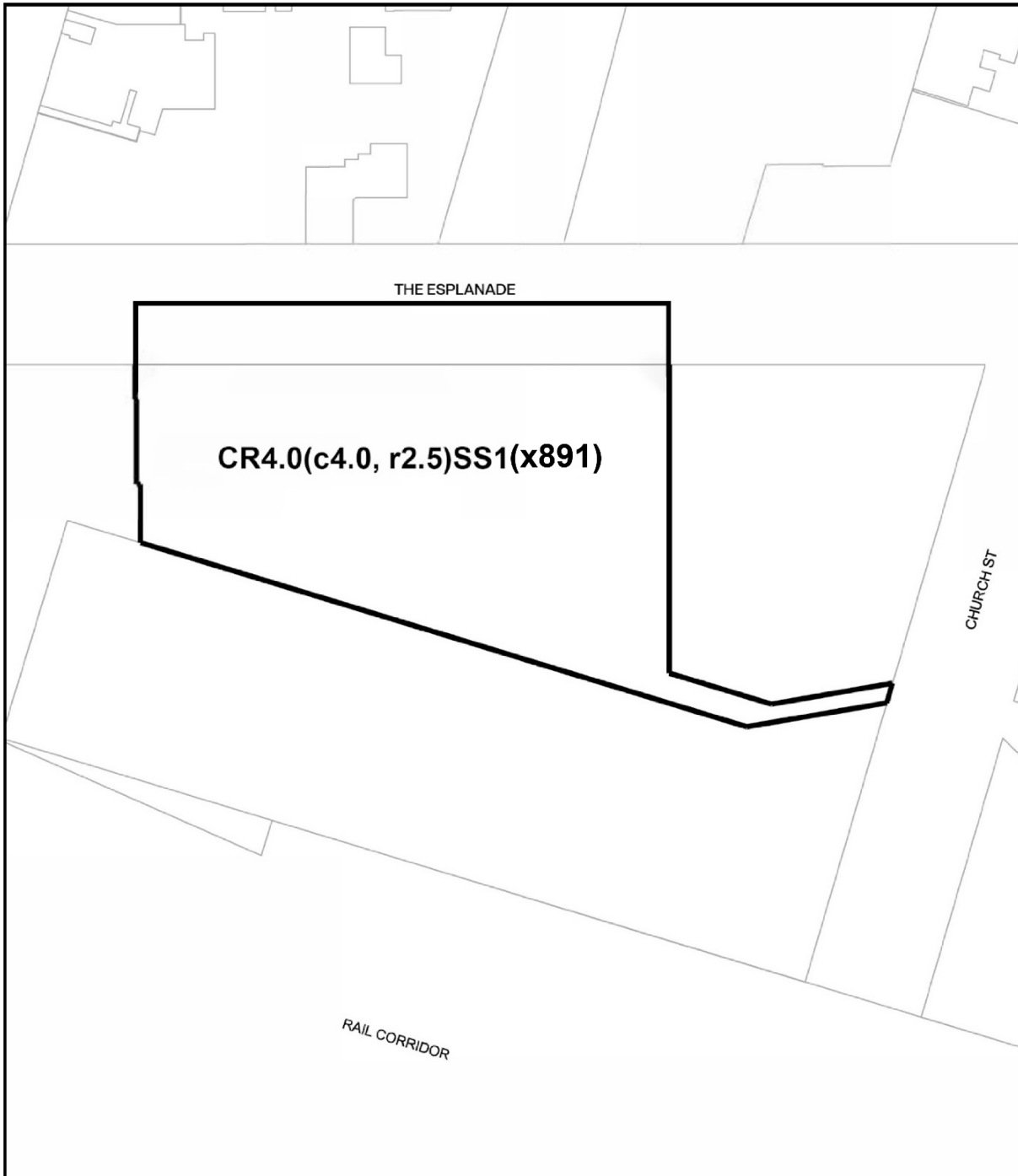
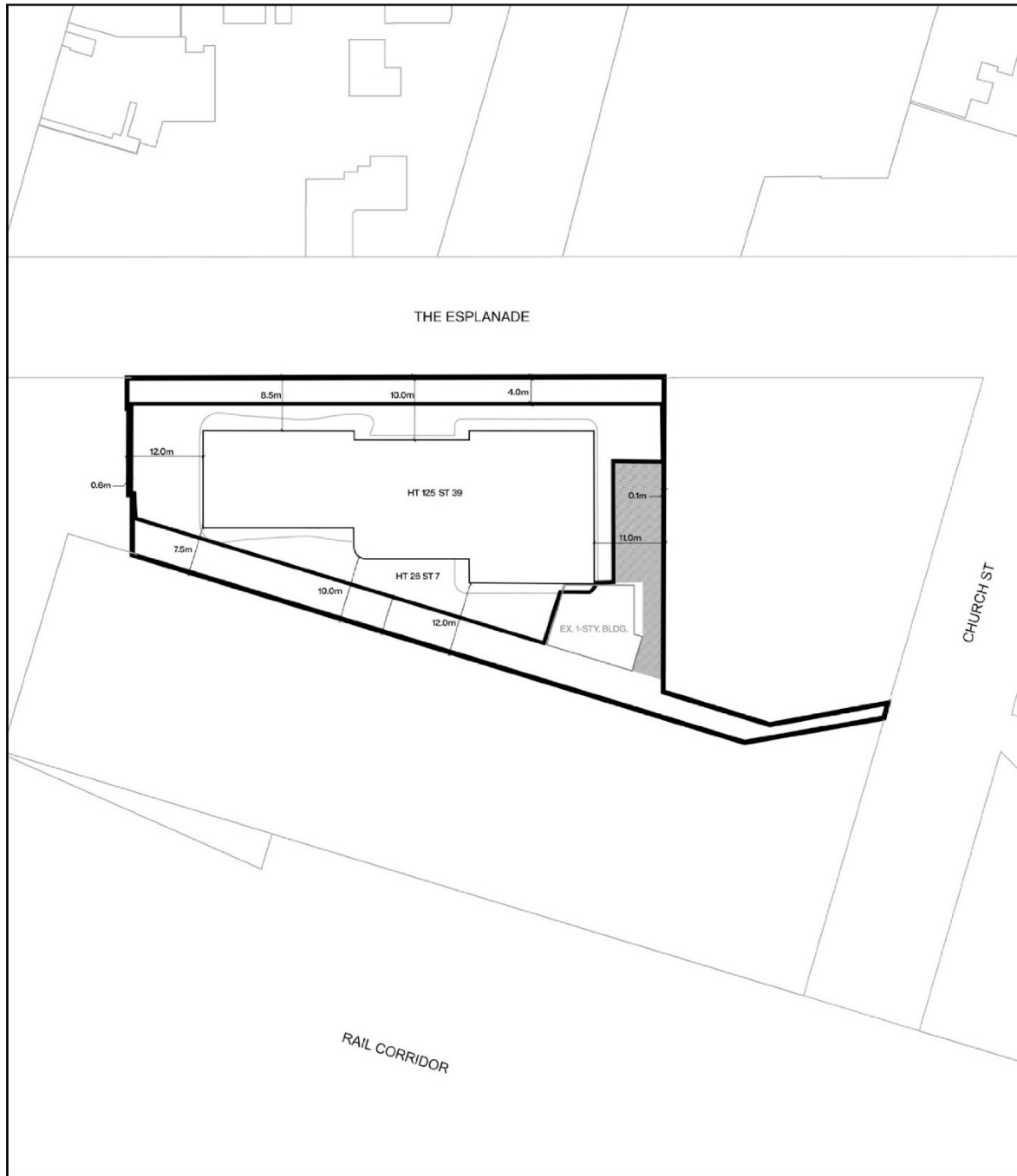


Diagram 3



 **TORONTO**
Diagram 3

45 The Esplanade

File # 21 251957 STE 10 0Z

 Lands for required privately owned public space (POPS)


 City of Toronto By-law 569-2013
 Not to Scale
 08/15/2023