Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 2012
Enacted by Council: ~, 2012

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2012

To amend site specific Zoning By-law No. 1166-2009, with respect to the lands municipally known in 2012 as 48 Abell St

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; 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*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Amending Map 1 of By-law 1166-2009 to rezone lands shown within the heavy lines on Map 1 from MCR T3.0 C1.0 R2.5 and I1 D3 to RA as shown on Map 1 of this exception.

2. Replacing Map 2 from By-law 1166-2009 with Map 2 of this exception.

3. Replacing Map 3 from By-law 1166-2009 with Map 3 of this exception.

4. Replacing Section 2 from By-law 1166-2009 and adding the following Section and the following exception to Section 12(2) of By-law 438-86, as amended

   Section 12 (2) 351:

   On the lands outlined by heavy lines and identified in 2012 as 48 Abell Street, and as shown on Map 1 to this exception, no person shall use any land or erect or use any building or structure that does not comply with the following:

   1. EXCEPTIONS FROM ZONING BY-LAW 438-86, AS AMENDED

      1. The following sections of Zoning By-law 438-86, as amended, do not apply to any building or structure to be erected or used within the lands indicated on Map 1 to this exception:
         - Section 4 (2)
         - Section 4(11)
         - Section 4 (16)
         - Section 7 (2)
         - Section 7 (3) Part I
         - Section 7 (3) Part II 1
         - Section 7 (3) Part II 3 through 7
         - Section 7 (3) Part IV

      2. The following definitions in Section 2 of Zoning By-law 438-86, as amended, shall be replaced by the definitions in Section 14 of this

exception:

i) *artist live/work studio;*

ii) *grade;*

iii) *residential amenity space;* and

iv) *street-related retail and service uses*

2. PERMITTED USES

Notwithstanding the uses permitted in the RA zone by Section 7(1)(f) of Zoning Bylaw 438-86, as amended, only the uses listed in subsection d) below and accessory uses thereto are permitted on the *lot* and only on lands zoned RA, subject to the following qualifications:

a) A use is permitted by the chart below when the letter "P" is set in the line opposite the use.

b) A use is permitted by the chart below when the letter "q" followed by a number or numbers is set in the line opposite the use but only subject to the qualification or qualifications bearing the number or numbers that follow the letter "q" forming part of this subsection.

c) Uses accessory to a use that is permitted by the chart are themselves permitted by the chart as accessory uses when an asterisk is set in the line opposite the designation of the use and in the column under the heading "Acc.".

			Acc.	RA
a)	RESIDENTIAL USES			
	(i)	HOUSING COMPRISING DWELLING UNITS		
		Any of the uses permitted in a RA district in section 7(1)(f)(a)(i)	*	Q1 Q7
		Artist live/work studio	*	P
	(ii)	SHARED HOUSING CONTAINING DWELLING ROOMS		
		Any of the uses permitted in a RA district in section 7(1)(f)(a)(ii)	*	Q5 Q7
	(iii)	ASSOCIATED / ACCESSORY RESIDENTIAL USES		
		Any of the uses permitted in a RA district in section (7)(1)(f)(a)(iii)	*	
(b)	NON-RESIDENTIAL USES			
	(i)	PARKS, RECREATION, PLACES OF AMUSEMENT AND ASSEMBLY		
		Any of the uses permitted in a RA district in section (7)(1)(f)(b) except:	*	Q1

	A. arena, stadium, racetrack		
	B. *club*		
(ii)	COMMUNITY SERVICES, CULTURAL AND ARTS FACILITIES		
	Any of the uses permitted in a RA district in section (7)(1)(f)(b)(ii) except:	*	Q4
	A. a premises of a *charitable institution*, *non-profit institution* or other community or social agency are permitted only subject to the additional qualifications		
(iii)	GENERAL INSTITUTIONS		
	Any of the uses permitted in a RA district in section (7)(1)(f)(b)(iii)	*	P
(iv)	RETAIL AND SERVICE SHOPS		
	Any of the uses permitted in a RA district in section (7)(1)(f)(b)(iv) except		Q1 Q2
	A. an *entertainment facility* is not permitted; and		Q8
	B. restaurants, take-out restaurants, bake-shops, caterer's shop, retail stores, showrooms and *courier services* are permitted only subject to the additional qualifications		
(v)	WORKSHOPS AND STUDIOS		
	Any of the uses permitted in a RA district in section (7)(1)(f)(b)(v)	*	P
(vi)	OFFICES		
	Any of the uses permitted in a RA district in section (7)(1)(f)(b)(vi)	*	P
(vii)	AUTOMOBILE RELATED USES		
	Parking area	*	P
	Parking garage	*	P
	Parking stacker	*	Q4
	Private garage	*	P
	Taxicab stand or station	*	P
	Car share parking space	*	P
(viii)	WAREHOUSING AND STORAGE		
	Cold storage locker plant		P
	Cold storage plant		P
	Storage warehouse, class A		P
	Wholesaling establishment – general		P
(ix)	INDUSTRIAL WORKSHOPS		
	Artist work studio		P
	Bookbinder's shop		P
	Carpenter's shop		P
	Contractor's shop, class A		P

	Sheet metal shop		P
	Welder's shop		P
	Open air market		P
(x)	MANUFACTURING AND RELATED USES		
	Bakery		P
	Brewery		P
	Ceramics factory		P
	Fur goods factory		P
	Garment factory		P
	Manufacturing plant		P
	Metal wares factory		Q5
	Packaging plant		P
	Pharmaceutical factory – secondary		P
	Printing plant		P
	Winery		P
(ix)	MISCELLANEOUS USES		
	Animal hospital		P
	Commercial bakery	*	P
	Commercial school	*	P
	Hotel	*	P
	Market gardening		P
	Massage establishment	*	P
	Newspaper plant	*	P
	Ornamental structure		P
	Public transit	*	P
	Trade school	*	P
	Undertaker's establishment	*	P

Qualifications to be complied with before certain uses are permitted within the Reinvestment Area (RA) District:

1. No person shall erect or use a building or structure having more than one basement or floor level below or partly below *grade* containing *dwelling units*.

2. A *bake-shop, caterer's shop, restaurant, take-out restaurant, concert hall, place of amusement* or *place of assembly* are permitted uses and a *patio* may be provided in connection therewith except:

   i) no person shall use for the purposes of a *patio*:

      a) any portion of the building above the first *storey*;

      b) any part of the roof of a building containing one of those uses; or

      c) outdoor areas on Map 3 which are more than 3 metres from a building façade; or

d) a portion of the *lot* between the building in which an associated *bake-shop, caterer's shop, restaurant* or *take-out restaurant* is located and a *lot* abutting or within 10 metres of an 'R' district; and

ii) no person shall use any building or portion of a building for the purpose of a *bake-shop, caterer's shop, restaurant, take-out restaurant* or combination thereof where the *non-residential gross floor area* of the building or portion thereof of any single establishment used for one of these purposes exceeds 300 square metres.

iii) the combined *non-residential gross floor area* of all *bake-shops, caterer's shops, restaurants* and *take-out restaurants* on the *lot* cannot exceed 0.3 times the area of the *lot*;

3. A *retail store* or *showroom* is permitted provided:

i) the total *non-residential gross floor area* of any one *retail store* or showroom is limited to no more than 1800 square metres; and

ii) notwithstanding i) above, the total *non-residential gross floor area* of any one *retail store* or *showroom* abutting the *mews* is limited to no more than 500 square metres.

4. The premises of a *charitable institution*, *non-profit institution*, *cultural and arts facility*, *community services and facilities*, or other community or social agency are permitted uses provided that they have been deemed as acceptable by the City of Toronto.

5. A *parking stacker* is permitted, provided:

i) it is *accessory*; and

ii) it is located within a building.

6. A *metal wares factory* is permitted provided the use does not exceed 475 square metres.

7. One or more *dwelling units* or *dwelling rooms* in a building is permitted provided the building contains uses that are permitted in the RA district in which the building is located.

8. A *courier service* is permitted provided the *non-residential gross floor area* does not exceed 150 square metres.

3. RESIDENTIAL USES

1. The residential gross floor area shall not exceed 30,000 square metres.

2. A maximum of 485 residential *dwelling units* shall be permitted on the *lot*.

4. NON-RESIDENTIAL USES

1. A minimum *non-residential gross floor area* of 1,300 square metres shall be provided in the mixed-use building located on the *lot*. For the purpose of calculating the minimum *non-residential gross floor area*, non-residential uses are as defined in the chart in Section 2 of this exception except:

   (i) *non-residential gross floor area* relating to the following uses shall not count toward meeting the minimum non-residential use requirement of this exception:

      a) uses listed in the chart in Section 2(d)(b)(vii) of this exception under the heading "Automobile-Related Uses";

      b) park;

      c) *public park*;

      d) *public playground*;

      e) *open air market*;

      f) *market gardening*;

      g) *bicycle parking spaces*; and

      h) *parking spaces*; and

   (ii) *residential gross floor area* relating to the following uses shall be counted as non-residential solely for the purpose of meeting the minimum non-residential density requirement of this section of the exception:

      a) *artist live/work studios*; and

      b) any portion of the indoor *residential amenity space* which is primarily used for the production of art by the residents of the building;

5. USES AT GRADE

1. No person shall erect or use a building or structure fronting onto the *mews* and/or Abell Street for any purpose unless:

   (i) *street-related retail and service uses* are provided;

   (ii) at least 60 percent of the aggregate width of any building facade

facing onto the *mews* or onto Abell Street is used for *street-related retail and service uses* and/or for the purpose of an *artist's or photographer's studio, custom workshop, performing arts studio, public art gallery* or *commercial school* at the main floor level of the building; and

(iii) there shall be at least one entry door every 15 metres at *grade* along the *mews* east of the *pedestrian opening* required by paragraph (6) of this exception; and

2. No person shall erect or use any building or any portion thereof for any non-residential use unless:

(i) the main floor is located no more than 0.2 metre below and no more than 1.2 metres above the level of the sidewalk or publicly accessible area directly opposite the entry to the unit;

(ii) the main floor level along any street frontage or any frontage along a publicly accessible area shall have a depth of not less than 7.0 metres measured from the main wall of the building for a width of at least 60% of any street frontage of the building or any frontage of the building along a publicly accessible area; and

(iii) all exterior entrance doors, other than service entrance doors, which provide access to a non-residential use within the building, shall be directly accessible from the public sidewalk or the *publicly accessible landscaped open space* opposite the door by a level surface or a ramp not exceeding a gradient of 1 in 25 (4%).

6. BUILDING ENVELOPES AND MAXIMUM HEIGHTS

1. Notwithstanding the "Height and Minimum Lot Frontage" Map 49G-321 contained in Appendix 'B' of Zoning By-law 438-86, as amended, no person shall erect or use a building or structure on the lands shown on Map 1 unless any portion of such building or structure located at or above ground is erected within the heavy lines shown on Map 2 and provided the following paragraphs are complied with:

(i) No person shall erect or use a building or structure having a greater *height* than the height limit specified by the numbers following the symbol "H" as shown on Map 2, attached to this By-law.

(ii) For clarity, where either no height limit or a height limit "H 0" is specified, no buildings or structures are permitted.

(iii) Despite paragraph (i) above, no building elements shall exceed the height limits on Map 2 except:

a. stair towers, mechanical rooms, mechanical equipment,

vestibules and enclosures for any of the foregoing, provided:

i. the maximum height of mechanical equipment and/or mechanical rooms does not exceed 2.0 metres; and

ii. the maximum area of all such elements does not exceed 200 square metres;

iii. all stair towers and vestibules are located at least 3 metres from the edge of the storey immediately below;

iv. mechanical equipment, mechanical rooms or enclosures for any of the foregoing are located at least 1.5 metres from the southern edge of the storey immediately below.

(iv) Notwithstanding paragraph (i) above, no person shall erect a building or structure above finished ground level closer to a *lot* line than the heavy lines indicated on Map 2 except:

a. stairs (excluding stairs providing access to underground areas), landscape features, and wheelchair ramps; and

b. the permitted projections outlined in the chart below:

PROJECTING STRUCTURES	LOCATION OF PROJECTION	MAXIMUM PERMITTED PROJECTION	ADDITIONAL QUALIFICATIONS
A. eaves, cornices, ornamental elements, architectural details,	Beyond the heavy lines shown on Map 2 and Map 3 at that height	0.45 metres from the wall to which it is attached	(I) must comply with the angular plane rising at a 45 degree angle from 13 metres above the south property line of the Queen Street West right-of-way
B. uncovered platform that is *landscaped open space* and is less than 1.2m above finished *grade*	Beyond the heavy lines on the Map 2 and Map 3 at that height	2.5 metres from the wall to which it is attached	(I) not permitted in the *mews*; (II) not permitted in *publicly accessible landscaped open space*
C. porch (covered platform) that is *landscaped open space* and is less	Beyond the heavy lines on the Map 2 and Map 3 at	3.0 metres from the wall to which it is attached	(I) not permitted in the *mews;* (II) not permitted in *publicly accessible*

than 1.2 m above finished *grade*	that height		*landscaped open space*;
D. canopy	Beyond the heavy lines on Map 2 and Map 3 at that height	2.5 metres from the wall to which it is attached	(I) must comply with the angular plane rising at a 45 degree angle from 13 metres above the south property line of the Queen Street West right-of-way
E. fences, safety railings, balustrades and wind mitigation structures	Beyond the heavy lines shown on Map 2 and Map 3 at that height	2.0 metres from the wall or the extent of the roof of the storey immediately below, whichever is greater	(I) must comply with the angular plane rising at a 45 degree angle from 13 metres above the south property line of the Queen Street West right-of-way (II)height of fence or safety railing not to exceed 1.2 metres.
F. balconies	Beyond the heavy lines on Map 2 and Map 3 at that height	(I) For balconies located on the first four floors and facing onto the *mews*, not more than 0.45 m from the the heavy line on Map 2 at that height; **(**II) For balconies located elsewhere, not more than 0.75 m from the heavy line on Map 2 at that height	(I) must comply with the angular plane rising at a 45 degree angle from 13 metres above the south property line of the Queen Street West right-of-way (II) combined width of all projecting bay windows and balconies on a façade at a given *storey* not to exceed 50% of the length of that façade at that *storey*
G. bay windows	Beyond the heavy lines on the Map 2 and Map 3 at	0.45 metres from the wall to which it is attached	(I) must comply with the angular plane rising at a 45 degree angle from 13 metres above the south

	that height		property line of the Queen Street West right-of-way (II) width of bay window, as measured where the window joins the wall, not to exceed 3.0 metres (III) combined width of all projecting bay windows and balconies on a façade at a given *storey* not to exceed 50% of the length of that façade at that *storey*

(v) No building or structure shall be erected which does not have:

a. a minimum height of 2 *storeys*; and

b. a minimum first floor height of 4.5 metres.

(vi) All parts of any building or structure must be located within a southward 45 degree angular plane rising from a line located at a height of 13 metres, from the *lot* line abutting the south side of Queen Street West. Where the angular plane is more restrictive than any other building envelope provisions of this exception, the angular plane provisions will prevail.

(vii) The maximum *floor plate* for the portion of the building at a *height* above 29.5 metres is 690 square metres.

(viii) No person shall erect or use a building or structure any part of which is located closer than 10 metres to a wall of a building on the same *lot*, excluding exterior walls which form an angle of 90 degrees or greater to each other on a horizontal plane and excluding door entries recessed not more than 2 metres.

(ix) No person shall erect or use a structure having more than one basement or floor level below or partly below *grade* containing dwelling units.

7. PEDESTRIAN OPENINGS

1. Two pedestrian openings are required, as indicated on Map 3. The pedestrian openings shall:

(i) be a minimum of 10 metres wide; and

(ii) provide a minimum clear height of 5.5 metres for the full width of the required opening; and

(iii) not have doors or gates on either end;

2. A direct and clear minimum 5 metre wide unencumbered pedestrian right-of-way, within which no structures or patios are permitted, shall be provided through each required pedestrian opening.

8. LANDSCAPED OPEN SPACE

1. No person shall erect or use a building or structure on the *lot* unless *publicly accessible landscaped open space* at *grade* and private *landscaped open space* are provided in the locations indicated on Map 3.

2. Where required by Map 3, *private landscaped open space* shall be located no more than 0.2 metres below and no more than 1.2 metres above the level of the adjacent *publicly accessible landscaped open space.*

9. PARKING AND LOADING

1. Notwithstanding the provisions of Section 4(4)(b) of Zoning By-law 438-86, as amended:

(i) a minimum number of *parking spaces* for residents shall be provided and maintained on the *lot* for residential uses according to the following table:

Unit type	Minimum *parking spaces*
Bachelor Unit	0.3 per unit
1 *bedroom* Unit	0.7 per unit
2 *bedroom* Unit	1.0 per unit
3 or more *bedroom* Unit	1.2 per unit
live/work unit	1.0 per unit
artist live/work studio	0.1 per unit

(ii) notwithstanding (i) above, only 0.1 *parking spaces* per unit shall be required for the first twenty (20) *artists live/work studio*.

(iii) a minimum of 0.12 *parking spaces* per dwelling unit, excluding *affordable artists live-work studio* and the first 20 *live-work units* shall be provided for visitors. The visitor *parking spaces* shall be provided within the *commercial parking garage* operated by the Toronto Parking Authority and located on the lands municipally known in 2012 as 2-6 Lisgar Street.

(iv) pursuant to (i) above, a maximum of 10% of the *parking spaces*

required by subsection (i) may be *small car parking spaces*;

(v) for each car-share parking space provided on the *lot*, the minimum resident parking required by (i) above shall be reduced by 5 *parking spaces*. The maximum reduction permitted by this means shall be limited to no more than 4 resident parking spaces. If after a period of not less than 3 years following the date of registration of the last condominium or the date of occupancy of the last rental unit, the car-share operation fails to be sustainable, to the satisfaction of the Chief Planner, such spaces shall be provided and maintained as parking spaces forming part of the commercial parking garage operated by the Toronto Parking Authority.

2. No parking spaces shall be required for non-residential uses, *charitable institution*, *non-profit institution*, *cultural and arts facility*, *community services and facilities*, or other community or social agency unless the *non-residential gross floor area* exceeds 2,000 square metres in which case parking for non-residential uses shall be required at a rate of 1 parking space per 100 square metres of *non-residential gross floor area* and shall be located on the lot.

3. Notwithstanding paragraph 9 (1) (i) through (v) above the following shall be permitted:

a. A maximum of 101 parking spaces may be provided at 48 Abell Street for the exclusive use of residents of the lands municipally known in 2012 as 2-6 Lisgar.

b. Of the 101 parking spaces provided at 48 Abell for the exclusive use of residents of the lands municipally known in 2012 as 2-6 Lisgar, the spaces shall be located within Levels P3 and/or P4 of the underground parking structure; and

c. The parking spaces provided for the exclusive use of residents of the lands municipally known in 2012 as 2-6 Lisgar, must be explicitly identified as being for the sole use of residents at 2-6 Lisgar Street.

4. The minimum requirement for *bicycle parking spaces* be as follows:

(i) A minimum of 291 *bicycle parking spaces* shall be provided and maintained for the exclusive use of residents of the building;

(ii) The residential *bicycle parking spaces* shall be located within the parking levels below *grade* in the building located on the *lot*;

(iii) A minimum of 79 *bicycle parking spaces* shall be provided and maintained for the exclusive use of visitors;

(iv) The *bicycle parking spaces* provided and maintained for the exclusive use of visitors shall be located on the *lot*; and

(v) In the instance that visitor *bicycle parking spaces* are located within the building, they shall be accessed via the building vestibule or lobby and shall only be permitted on the ground floor of the building and/or within the first level of the underground parking garage.

5. The provisions of Section 4(6) of Zoning By-law 438-86, as amended, shall be satisfied by one *loading space – type G* being provided on the *lot*.

10. RESIDENTIAL AMENITY SPACE

1. Notwithstanding the provisions of Section 4(12) of Zoning By-law 438-86, as amended, *residential amenity space* shall be provided as follows:

(i) A minimum of 820 square metres of indoor *residential amenity space* shall be provided and maintained, above grade of the *mixed-use building* located on the *lot*.

(ii) A minimum of 750 square metres of outdoor *residential amenity space* shall be provided and maintained, within the *mixed-use building* located on the *lot*.

(iii) At least 20% of the outdoor *residential amenity space* shall be provided in a location adjoining or directly accessible from indoor *residential amenity space*.

11. HOUSING MIX

1. Any development containing residential *dwelling units,* on the *lot* shall provide:

(i) a minimum of 25 percent of residential *dwelling units* having 2 or more bedrooms;

(ii) a minimum of 75 per cent of any residential *dwelling units* at the main floor level, excluding *artist live/work studios,* to have 2 or more bedrooms; and

(iii) a minimum of 15 *dwelling units*, excluding *artist live/work studios*, having 3 or more bedrooms.

12. SITE SPECIFIC EXCEPTIONS

1. The following site specific exceptions shall be deleted from the Index of Exceptions for 48 Abell:

   i. Section 12 (1) 287;
   ii. Section 12 (1) 290;
   iii. Section 12 (2) 270; and
   iv. Section 12 (7).

2. This exception will prevail over any provision of any other exception included in Section 12(2).

13. IMPLEMENTATION

1. No person shall erect or use any building or structure unless the development includes:

   (i) loading and vehicular access which is designed to be shared with the site known in 2012 as 180 Sudbury Street; and

   (ii) garbage and recycling storage which is designed to be shared with the site known in 2012 as 180 Sudbury Street.

2. No person shall erect or use any building or structure above *grade* prior to satisfying the following conditions:

   (i) the owner shall enter into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters required in Section 14 herein, the said agreement to include provisions relating to indemnity, insurance, GST, termination, unwinding, registration and priority of agreement, and the indexing of any financial contributions and register against the title to the *lot* as a first charge.

   (ii) the owner shall enter into an agreement to sell approximately six (6) at-*grade* workshops in *the mixed use building* fronting on the *mews* (approximately 430 square metres) to the City, or an art-space management organization acceptable to the City, at $250.00 per square foot, indexed to the construction price index from July 17, 2007.

   (iii) the agreement referred to in subsection (2)(ii) hereof shall include an option for the City to purchase additional at-*grade* workshops in *the mixed use building* fronting on the *mews* for *affordable* arts-related space at market rates of $350.00 per square foot, indexed to the construction price index from July 17, 2007.

(iv) the owner shall enter into an agreement with the City of Toronto prior to the issuance of an above-*grade* building permit to secure the funding and timing of the construction of the extension of Sudbury Street from the existing terminus of Sudbury Street to Queen Street at Gladstone Avenue.

(vii) the owner shall convey to the City in escrow for nominal consideration and at no cost to the City any lands within the heavy lines shown on Map 1 that are required for the extension of Abell Street for the purpose of facilitating construction of Abell Street at such time as may be required for other lands.

(viii) all water mains, sanitary and storm sewers and appropriate appurtenances required for the development of this site have been secured, to the satisfaction of the Executive Director of Technical Services.

(ix) the owner shall register on title of the *lot* the agreement with Greater Toronto Transit Authority and Canadian National Railway Company.

(x) provide a cash-in-lieu payment of park land contribution equal to 5% of the value of the site payable in accordance with City standards in conjunction with the proposed building or structure, unless such contribution is otherwise waived by the City.

(xi) the owner shall enter into an agreement with the City or other affected party to provide access to the 48 Abell Lands through the lands known municipally in 2012 as 150 Sudbury Street and 180 Sudbury Street.

(xii) The owner shall register on title of the *lot* the Agreement(s) outlined in Section 12 of this by-law.

14. SECTION 37 OF THE PLANNING ACT

1. The owner of the *lot*, at its own expense and in accordance with and subject to the agreement referred to in Section 13 herein, shall provide the following facilities, services and matters to the City:

(a) Arts Space at 48 Abell Street

(i) The owner shall enter into an agreement to sell approximately six (6) at-*grade* workshops fronting on the *mews* (approximately 430 square metres) to the City, or an

art-space management organization acceptable to the City, at $250.00 per square foot, indexed to the construction price index from July 17, 2007;

(iii) The agreement referred to in subsection (1)(a)(i) hereof shall include an option for the City to purchase additional at-*grade* workshops in the *mixed use building* fronting on the *mews* for *affordable* arts-related space at market rates of $350.00 per square foot, indexed to the construction price index from July 17, 2007;

(b) Non-profit Arts Space at 2-6 Lisgar

a. The owner shall convey, at no cost to the City, a minimum of 2,800 square meters of gross floor area to:

i. a non-profit arts and culture organization acceptable to the City of Toronto; or

ii. the City for use as a non-profit community use or City Division.

b. If a suitable non-profit arts and culture, community, or City use cannot be identified, the space may be sold by the City and the proceeds of the sale shall be used for community services and facilities, and/or parkland/open space, or streetscape improvements in the immediate vicinity of the subject lands.

c. The space to be conveyed shall be to a finished commercial standard ready for occupancy of the intended user, to the satisfaction of the Director, Real Estate Services.

The following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support development:

(c) Street Tree Irrigation

the owner shall, at its own expense, install and maintain in good working order and operation, an irrigation system for all street trees in the public right-of-way that includes an automatic timer which is designed as being water efficient by a Certified Landscape Irrigation Auditor (CLIA) and is constructed with a back flow preventer to the satisfaction of the City, if required;

(d) Abell Street Extension

prior to condominium registration, the owner shall construct, or

cause another party to construct, that portion of Abell Street which forms part of the lands identified within the heavy lines on Map 1, unless such portion of Abell Street has already been constructed.

(e) Interim Condition for Abell Street

As an interim condition, the owner shall provide a 3-metre walkway, in reasonable condition, for pedestrian and bicycle access over that portion of Abell Street which forms part of the lands identified within the heavy lines on Map 1, to the satisfaction of the Chief Planner

(f) Crash Mitigation Measures

the owner shall construct, or cause another party to construct, crash mitigation measures related to the rail corridor, as set out in an agreement with Greater Toronto Transit Authority and Canadian National Railway Company dated December 4, 2006, as may be amended;

(g) Noise and Vibration

the owner shall construct, or cause another party to construct, any works required by the agreement with Greater Toronto Transit Authority and Canadian National Railway Company dated December 4, 2006, as may be amended;

(h) Publicly Accessible Landscaped Open Space and Mews

prior to obtaining a building permit, the owner shall authorize and permit public access to the *publicly accessible landscaped open space* and *mews* shown on Map 3, including permissions for when public access may be closed (e.g. during construction) to be detailed in the Section 37 agreement;

(i) Interim Condition for Publicly Accessible Landscaped Open Space and Mews

If the owner has not obtained a building permit for the *mixed-use building* within two years of obtaining Zoning By-law approvals, the owner shall provide sodding or other interim treatment (at a similar cost) for the *publicly accessible landscaped open space* and *mews* shown on Map 3, as may be required pursuant to site plan approval and to the satisfaction of the Chief Planner;

(j) Wind Mitigation Measures

the owner shall construct, or cause another party to construct, any wind mitigation measures required pursuant to site plan approval, to the satisfaction of the Chief Planner;

(k) Pedestrian Openings

the owner shall provide two pedestrian openings, as shown on Map 3 and provided for in Section 7 of this by-law, with no doors, gates or other barriers at either end, and which provides unobstructed pedestrian access accept for some pillars and structures associated with the buildings;

(l) Integrated Landscaping and Connectivity

i. the owner shall provide for integrated landscaping with the sites known municipally in 2012 as 1171 Queen Street West, 180 Sudbury Street, and 150 Sudbury Street, to the satisfaction of the City;

ii. the owner shall provide for integrated bicycle and pedestrian connectivity with the sites known municipally in 2012 as 1171 Queen Street West, 180 Sudbury Street, and 150 Sudbury Street, to the satisfaction of the City;

(m) Servicing Requirements

the owner shall provide all matters required to service the lands outlined in heavy lines on Map 1 attached hereto, including but not limited to, the construction of services for water services, sanitary and storm sewer systems, roads, streetscaping and landscaping, street trees and tree irrigation systems and utilities;

(n) Building Materials and Details

The Owner shall include 1:50 scale drawings for the first to fourth storey portions of the building elevations with building materials labeled and the drawings having a sufficient level of detail to illustrate how the building will be perceived by the pedestrian.

(o) Toronto Green Standards

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 PG32.3 of the Planning and Growth Committee.

(p) Parkland

The owner shall convey a minimum of 284 m^2 of land for parkland dedication purposes. The lands are located north of the 2-6 Lisgar Street property, and will be free and clear, above and below grade, of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easement, unless the easement, encumbrance or encroachment is otherwise approved by the General Manager, Parks, Forestry and Recreation

For the land that is proposed to be conveyed to the City, the owner will be responsible for an environmental assessment of the lands and any associated costs or remediation works required as a result of that assessment to the satisfaction of the General Manager, Parks, Forestry and Recreation, in consultation with the Executive Director of Technical Services.

To fully meet the parkland dedication requirements, a cash-in-lieu contribution for parkland dedication will be required for the shortfall in dedication.

(q) Additional Arts and Culture Space

The owner shall convey to the City, an additional 713 square metres of non-profit arts and cultural space, should the a non-profit arts and culture organization not occupy the space or choose to vacate the space.

2. The owner of the lands enters into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act*, to secure the facilities, services and matters required in Section 14 herein and registers such agreement against title to the lot as a first charge, all to the satisfaction of the City Solicitor.

15. DEFINITIONS

All italicized words and expressions in this exception have the same meanings as defined in Zoning By-law No. 438-86, as amended, with the exception of the terms *artist live/work studio*, *grade*, *residential amenity space* and *street-related retail and service uses*.

The following definitions either replace the definitions listed above or provide definitions for new terms:

affordable artist work studio	shall mean a studio for the production of art and which is the subject of an agreement between the City and the owner, registered on title, that it will be rented at below market rates to a working artist or artists to the satisfaction of the Director, Business Development and Retention and/or the Director of Culture for a period no less than 20 years from the date of first occupancy of the studio;
affordable	shall mean, when used in relation to a dwelling unit, that the dwelling unit is the subject of an agreement between the City and the housing provider, registered on title, that the unit will be rented at no more than 1.0 times the CMHC average market rent for dwelling units of similar type in the City of Toronto in effect at the time the dwelling unit is first occupied, and increased annually by the amount permitted by the Rent Review guidelines for a period no less than 20 years from the date of first occupancy of the unit;
artist live/work studio	shall mean a dwelling unit containing a studio space for the production of art and which is the subject of an agreement between the City and the housing provider, registered on title, that it will be rented at no more than 1.0 times the CMHC average market rent for dwelling units of similar size in the City of Toronto in effect at the time the dwelling unit is first occupied, and increased annually by the amount permitted by the Rent Review guidelines for a period no less than 20 years from the date of first occupancy of the unit and inhabited only by a working artist and his or her household;
car-share	shall mean the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and to use a *car-share* vehicle, a person must meet the membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable. Cars are reserved in advance and fees for use are normally based on time and/or kilometres driven and do include use of cars on an hourly basis;
car-share parking space	shall mean a *parking space* exclusively reserved and signed for a car used only for *car-share* purposes and such *car-share* is for the use of carshare members, including non-residents.

grade	shall mean the average elevation of the sidewalk or planned elevation of the sidewalk on Sudbury Street adjacent to the *lot*.
height	shall mean the vertical distance between *grade* and the highest point of the roof or, where there is no roof, the highest point of the structure.
mews	shall mean a *publicly accessible landscaped open space* area, as identified on Map 3, which is primarily for the use of pedestrians and cyclists.
parking space	shall mean a clear area that: a. has minimum dimensions of 5.2 m in length and 2.9m in width, except that the width of a *parking space* shall be increased to 3.2m if both sides of the parking space have an *obstruction*; *b.* is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another vehicle.
publicly accessible landscaped open space	shall mean *landscaped open space area* as shown on *Map 3* which is open and accessible to the public at all times, save and except patios permitted by Section 2.
s*mall-car parking space*	shall mean a clear area that: *a.* has a minimum dimension of 5.2 m in length by 2.75m in width, except that the width of the *small-car parking space* shall be increased to 3.1m if both sides of the *small-car parking space* have an *obstruction;* *b.* is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another vehicle.
obstruction	shall mean any part of a fixed objet such as a wall, column, bollard, fence, or pipe situated within 0.3m of the side of the *parking space*, measured at right angles, and more than 1.0 metres from the front or rear of the *parking space*.
soft landscaping	shall mean an open, unobstructed area that supports the growth of vegetation such as grass, trees, shrubs, flowers

or other plants and shall include planters.

street-related retail and service uses shall mean:

a. have the same meaning as defined in Section 2 of Zoning By-law 438-86, as amended, for the portion of the building facades which face onto a public highway;

b. mean, for the portion of building facades which face onto the *mews*, one or more of the uses listed in sections 8(1)(f)(b)(i), (ii) and (iv), other than a public park or playgrounds, where the principal public entrance to each shop or store is located in the exterior wall of the building which is directly accessible by pedestrians along a route no more than 3 metres from the *mews* and the level of the floor of the principal public entrance to each shop or store is located within 0.2 metres of the level of the *mews* opposite such entrance.

16. The provisions within By-law 1166-2009 as they relate to the lands referenced in said By-law as Building A, and municipally known in 2012 as 180 Sudbury Street, continue to apply to those lands.

17. Despite any existing and future severance, partition or division of the lands as shown on Map 1, the provisions of this exception shall apply as if no severance, partition or division occurred.

18. Within the lands shown on Map 1 attached to this By-law, 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

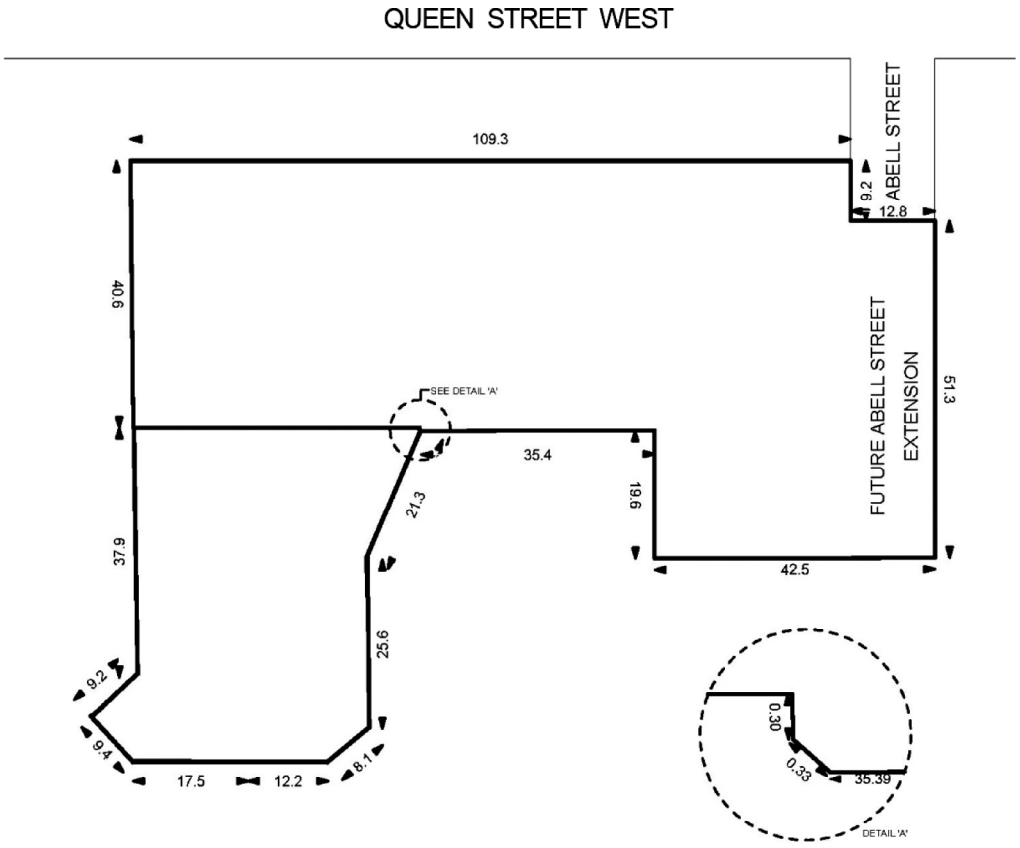
(b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



NOTE: Survey information from Plan 66R-24748 by R. Avis Surveying Inc., dated February 10, 2010. All dimensions in metres.

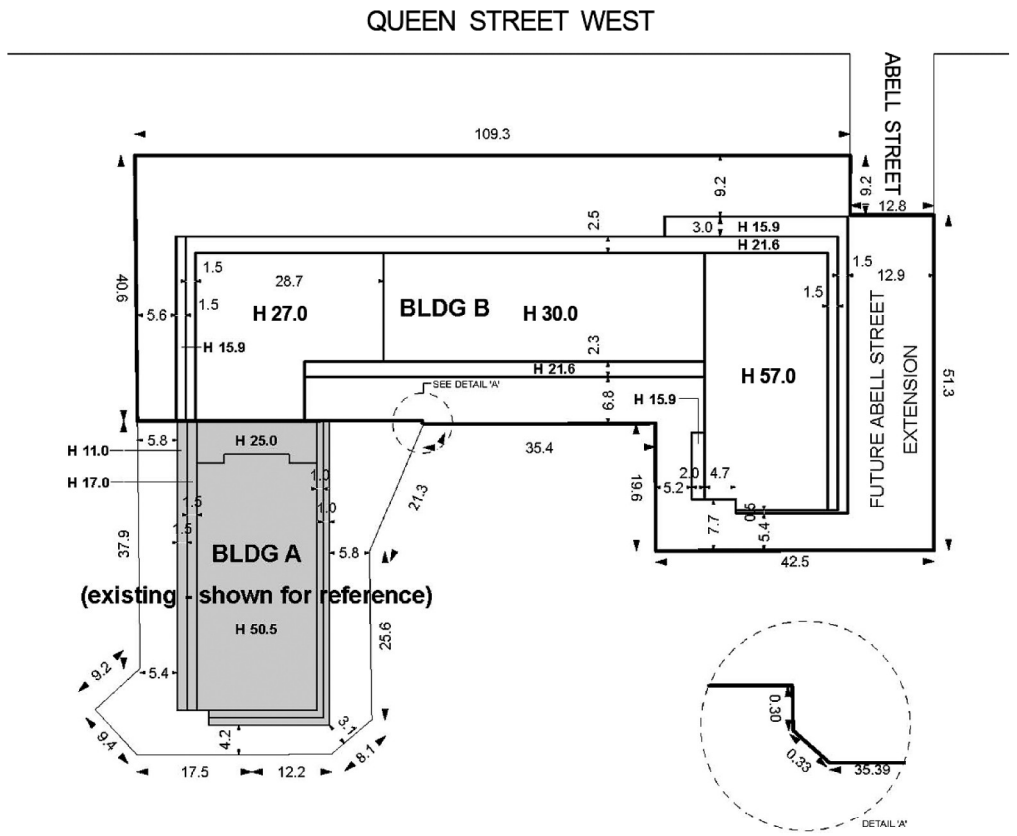
TORONTO City Planning

Map 1

48 Abell Street

File # 11 315464 OZ

Not to Scale
04/03/2012



NOTE: H denotes height above grade. All dimensions in metres.

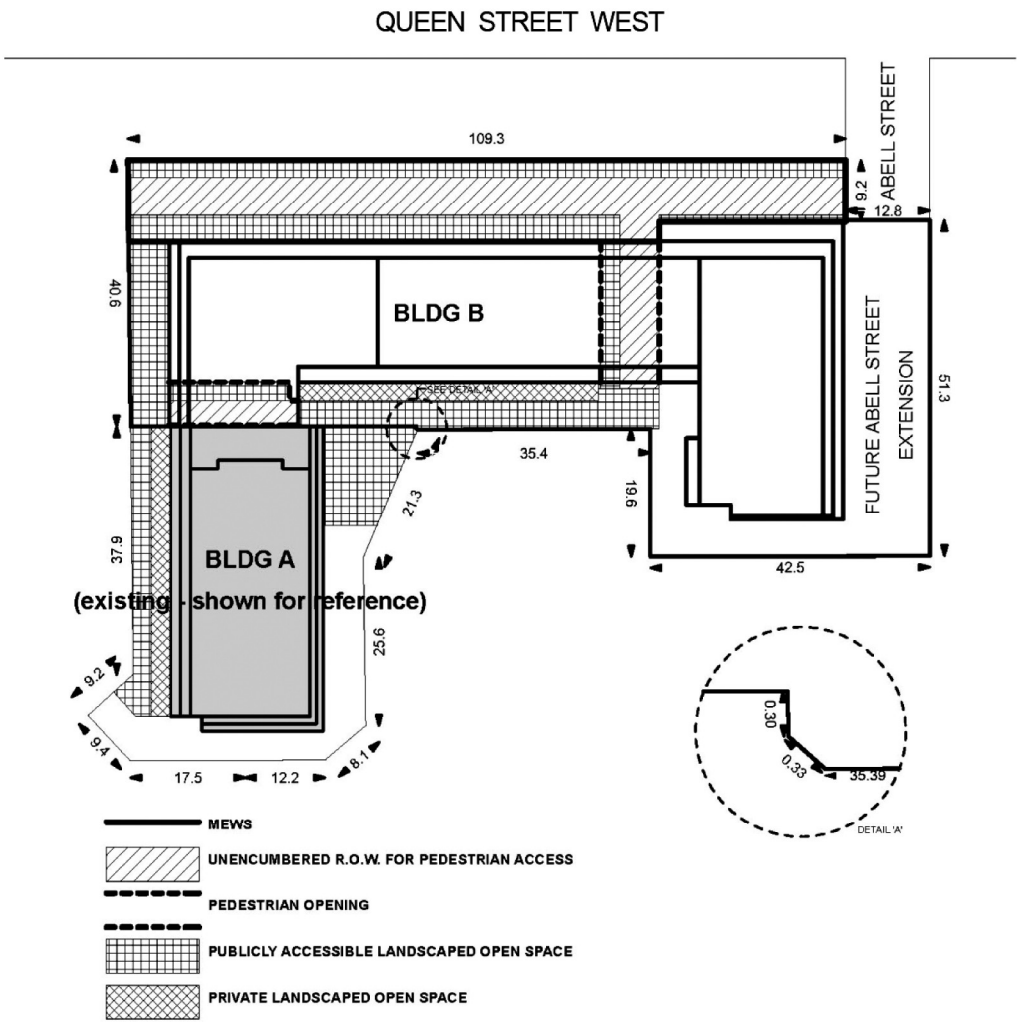
TORONTO City Planning

Map 2

48 Abell Street

File # 11 315464 OZ

Not to Scale
04/03/2012



TORONTO City Planning

Map 3

48 Abell Street

File # 11 315464 OZ

Not to Scale
04/03/2012