

Authority: Toronto and East York Community Council Item [##], as adopted by City of Toronto Council on ~, 2022

CITY OF TORONTO

BY-LAW ###-2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 224, 230, 236 and 240 Adelaide Street West

Whereas Council of the City of Toronto has the authority pursuant to 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; 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 Section 37.1 of the *Planning Act* provides that Subsections 37(1) to (4) of the *Planning Act* as it read on the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge By-law and this By-law was passed prior to that date; and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 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 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 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 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 CRE to CRE (x48) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.12.10 Exception Number 48 so that it reads:

[\(48\) Exception CRE 48](#)

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 224, 230, 236 and 240 Adelaide Street West, if the requirements of By-law [Clerks to insert By-law ##] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (Y) below:
- (B) The permitted maximum **gross floor area** of all **buildings** or **structures** must not exceed 36,100 square metres, of which a minimum of 1,400 square metres must be non-residential **gross floor area**;
- (C) The provision of **dwelling units** is subject to the following:
 - (i) A minimum of 15 percent of the total number of **dwelling units** **must have** two or more bedrooms;
 - (ii) A minimum of 10 percent of the total number of **dwelling units** **must have** three or more bedrooms;
 - (iii) Any **dwelling units** with three or more bedrooms provided to satisfy (C)(ii) above are not included in the provision required by (C)(i) above;
 - (iv) An additional 15 percent of the total number of **dwelling units** will be any combination of two bedroom and three bedroom **dwelling**

units, or **dwelling units** that can be converted into any combination of two and three bedroom **dwelling units**; and

- (v) **Dwelling units**, as described in (C)(iv) above, may be converted using accessible or adaptable design measures such as knock-out panels;
- (D) Despite Regulation 50.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 87.32 metres and the elevation of the highest point of the **building** or **structure**;
- (E) Despite Regulation 50.10.40.10(1), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3 of By-law [Clerks to insert By-law ##];
- (F) Above a height of 183.5 metres, the only permitted use is **amenity space**, to a maximum floor area of 650 square metres;
- (G) Despite Regulations 50.5.40.10(3), 50.5.40.10(4), 50.5.40.10(6), 50.5.40.10(7) and 50.10.40.10(3) and (E) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law [Clerks to insert By-law ##]:
 - (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 3.0 metres;
 - (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, inclusive of a mechanical penthouse, by a maximum of 3.0 metres;
 - (iii) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 3.0 metres;
 - (iv) **building** maintenance units and window washing equipment, by a maximum of 3.0 metres;
 - (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 3.0 metres; and
 - (vi) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 3.0 metres;
- (H) Regulations 50.5.40.10(5) and 50.5.40.10(8) with respect to height projections of elements for the functional operation of a **building**, do not

apply;

- (I) Despite Regulations 50.10.40.70(1), 50.10.40.70 (3), 50.10.40.70 (4), 50.10.40.70 (5), 50.10.40.80(1), 50.10.40.80(2), 50.10.40.80(3) and Article 600.10.10, the required minimum **building setbacks** and **window separation** are as shown in metres on Diagram 3 of By-law [Clerks to insert By-law ##];
- (J) Despite Clauses 50.5.40.60 and 50.10.40.60 and (I) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) balconies, by a maximum of 1.5 metres;
 - (ii) canopies and awnings by a maximum of 2.5 metres;
 - (iii) terraces, to the same distance as the **main wall** directly below them;
 - (iv) exterior stairs, access ramps and elevating devices, by a maximum of 1.5 metres;
 - (v) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 1.5 metres;
 - (vi) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 1.5 metres;
 - (vii) window projections, including bay windows and box windows, by a maximum of 1.5 metres;
 - (viii) eaves, by a maximum of 1.5 metres;
 - (ix) a dormer, by a maximum of 1.5 metres; and
 - (x) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 1.5 metres;
- (K) Despite (J)(i) above, balconies are not permitted on the north **main wall** of a **building** between the Canadian Geodetic Datum of 87.32 metres and a height of 38.4 metres; and
- (i) For the purpose of (K) above, a terrace and a **green roof** are not a balcony;
- (L) Despite (E), (G), (I) and (J) above, within “Area A” shown on Diagram 3 of

By-law [Clerks to insert By-law ##], the north **main wall** must be set back a minimum of 3.8 metres from the north **lot line** between a **height** of 16.5 and 38.0 metres; and,

- (i) only columns, shear walls and architectural cladding may encroach within the **building setback** required in (L), to a maximum of 1.5 metres;
- (M) Despite (E), (G), (I) and (J) above, within “Area B” shown on Diagram 3 of By-law [Clerks to insert By-law ##], the south **main wall** must be set back a minimum of 1.1 metres from the south **lot line** between the Canadian Geodetic Datum of 87.32 metres and a height of 5.5 metres; and,
- (i) only columns, shear walls and architectural cladding, and canopies may encroach within the **building setback** required in (M);
- (N) Despite (E), (G), (I) and (J) above, within “Area C” shown on Diagram 3 of By-law [Clerks to insert By-law ##], the west **main wall** must be set back a minimum of 0.5 metres from the west **lot line**, between the Canadian Geodetic Datum of 87.32 metres and a height of 5.5 metres; and
- (i) only columns, shear walls and architectural cladding, and canopies may be located within the **building setback** required in (N);
- (O) Despite Regulation 50.10.40.50(1), **amenity space** must be provided at a minimum rate of 2.5 square metres for each **dwelling unit** on the **lot** as follows:
- (i) at least 2.0 square metres for each **dwelling unit** as indoor **amenity space**;
 - (ii) at least 350 square metres of outdoor **amenity space**, of which a minimum of 40 square metres is outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**; and
 - (iii) no more than 25% of the outdoor component may be a **green roof**;
- (P) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) no **parking spaces** for the use of residential occupants; and
 - (ii) a minimum of 3 **parking spaces** are required on the ground level for the shared use of residential visitors and non-residential uses;
- (Q) Despite Regulation 200.5.1.10(2), any **parking spaces** provided on the

lot within an “automated parking system” may have a minimum width of 2.6 metres, and be obstructed on one side, 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**;

- (i) for the purpose of this exception, an "automated parking system" means a mechanical system for the purpose of parking and retrieving **vehicles** with or without drivers in the **vehicle** during parking and without the use of ramping or drive aisles, and where automated maneuvering of other **vehicles** may be required for **vehicles** to be parked or retrieved;
- (R) Despite Regulation 200.5.1.10(2)(D), Electric Vehicle Infrastructure, including electrical **vehicle** supply equipment, does not constitute an obstruction to a **parking space**;
- (S) Regulations 200.5.1.10(5), (6) and (14) do not apply to **parking spaces** in an “automated parking system”;
- (T) Despite Regulation 200.15.10(1) and Clauses 200.15.10.5 and 200.15.10.10, accessible **parking spaces** are not required;
- (U) Despite 200.5.1.10(13), access to **parking spaces** may be provided by an "automated parking system";
- (V) Regulations 200.5.1(3) and (12) do not apply to an "automated parking system", provided that the access to the elevating mechanism enclosure of the "automated parking system" complies with the following minimum dimensions:
 - (i) Length of 5.6 metres;
 - (ii) Width of 3.4 metres;
 - (iii) Vertical clearance of 2.1 metres; and
 - (iv) the entire length of the elevating mechanism enclosure must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
- (W) Despite Regulations 220.5.10.1(1), (2), (3), (5), and (6), **loading spaces** shall be provided and maintained on the **lot** in accordance with the following:
 - (i) 1 Type “C” **loading space**; and
 - (ii) 1 shared Type “G” and Type “B” **loading space**;
- (X) Despite Regulation 230.5.1.10(4)(B), vertical **bicycle parking spaces** must have the following minimum dimensions:

- (i) Length or vertical clearance of 1.9 metres;
 - (ii) Width of 0.4 metres; and,
 - (iii) Horizontal clearance from the wall of 1.2 metres;
- (Y) Despite Regulation 230.5.1.10.(9)(B)(iii), “long-term” **bicycle parking spaces** may be located on the first or second level of the **building** below-ground;

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. Section 37 Requirements:
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 attached to this By-law in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A attached to this By-law 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 attached to 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 pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on [month day, year].

[full name],
Speaker

[full name],
City Clerk

(Seal of the City

SCHEDULE A

Section 37 Requirements

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 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:

Financial Contribution

1. Whereas Section 37.1 of the *Planning Act* provides that Subsections 37(1) to (4) of the *Planning Act* as it read on the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge By-law and this By-law was passed prior to that date; and
2. Prior to issuance of the first above-grade building permit, the owner shall make a cash contribution to the City in the amount of six-million dollars [\$6,000,000.00 CAN] (the "Cash Contribution") be allocated towards the following capital community services and facilities to be allocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor:
 - (A) One-million, two-hundred thousand dollars [\$1,200,000.00] to be towards the provision of affordable housing in Ward 10; and
 - (B) Four-million, eight-hundred thousand dollars [\$4,800,000.00] towards Community Services and Facilities, parkland construction/improvements and/or streetscape improvements along Adelaide Street West and/or Duncan Street in Ward 10.
3. The Cash Contribution set out in Clause 2 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.
4. In the event the Cash Contribution in Clause 2 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.
5. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development, prior to approval

of the Site Plan Control Application or the first building permit for shoring and excavation:

- (A) Prior to the commencement of any excavation or shoring work, the owner shall submit a Construction Management Plan to the satisfaction of the General Manager, Transportation Services and the Chief Building Official and Executive Director, Toronto Building, in consultation with the Ward Councillor and thereafter in support of the development, will implement the Plan during the course of construction. The Construction Management Plan will include, but not be limited to the following construction-related details: noise, dust, size and location of staging areas, location and function of access gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, parking and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the General Manager, Transportation Services, in consultation with the Ward Councillor.
- (B) The construction and maintenance of the development in accordance with at least the Tier 1 performance measures of the Toronto Green Standard V3;
- (C) The conveyance to the City for nominal consideration of the required 0.72 metre strip of land between the existing commercial lane to the north of the subject site and the proposed building face for a lane widening to be dedicated to the City at no cost to the City, free and clear, above and below grade, of all easements, encumbrances and encroachments and in acceptable environmental condition, save and except for piles and shoring, and subject to a right-of-way for access purposes in favour of the Grantor until such time as the said lands have been laid out and dedicated as a public laneway, all to the satisfaction of the General Manager, Transportation Services;





