

Authority: Toronto and East York Community Council
Item TE34.42, as adopted by City of Toronto Council on
July 19 and 20, 2022

CITY OF TORONTO

Bill 967

BY-LAW -2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 185 Balliol Street and 8 Pailton Crescent.

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 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 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to the COVID-19 Economic Recovery Act, 2020 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge By-law and this By-law was passed prior to that date; and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 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 in Schedule A of this By-law in return for the increase in height and density permitted on the aforesaid lands by By-law 569-2013, as amended; and

Whereas Schedule A of this By-law requires the owner of the aforesaid lands to provide certain facilities, services or matters and enter into an agreement or agreements between the owner of the land and the City of Toronto prior to the issuance of a building permit;

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 R (d0.6) (x913) to a zone label of R (d2.0) (x131) and OR 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.[2].[10] Exception Number 131 so that it reads:

(131) Exception R 131

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 185 Balliol Street and 8 Pailton Crescent, if the requirements of Clause 6 and Schedule A 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 (T) below:
- (B) Despite Regulations 10.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 154.85 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulation 10.10.20.100(12)(A), there may be a maximum of two **retail stores** in the **apartment building**;
- (D) Despite Regulation 10.10.20.100(12)(C):
 - (i) access to a minimum of one **retail store** in an **apartment building** with 100 or more **dwelling units** must be provided from outside of the **apartment building**; and
 - (ii) access to **retail stores** in an **apartment building** with 100 or more **dwelling units** may be provided from within the **apartment building**;
- (E) Despite Regulation 10.10.20.100(12)(E), the **interior floor area** of **retail stores** may not be greater than 250 square metres;

- (F) Despite Regulation 10.10.40.10(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 ##];
- (G) Despite Regulations 10.5.40.10(3) and (4) 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) Parapets and elements associated with a **green roof**, by a maximum of 2.1 metres;
 - (ii) Equipment on the roof of a **building** used for the functional operation of the **building**, such as electrical, utility, mechanical, ventilation equipment, stairs, stair landings, roof access hatches, maintenance equipment storage, transformer vaults, stacks, chimneys, vents, water supply facilities and structures that enclose, screen or cover the elements listed above, by a maximum of 3.0 metres;
 - (iii) Elements or structures on the roof of a **building** used for outside or open air recreation, outdoor **amenity space**, fixed outdoor furniture, trellises, privacy screens, terrace or balcony dividers, railings, guardrails, fences, landscape elements or features, public art features, fire safety equipment and servicing, gas metres and associated privacy screens and window washing equipment by a maximum of 3.0 metres; and
 - (iv) Ramps or elevating device providing barrier free access by a maximum of 3.0 metres;
- (H) Regulation 10.10.40.30(1)(B) restricting the maximum **building depth** of an **apartment building** does not apply;
- (I) Despite Regulation 10.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 32,500 square metres;
- (J) Despite Regulation 10.10.40.50(1), a **building** with 20 or more **dwelling units** must provide **amenity space** on the **lot** at a minimum rate of 3.09 square metres for each **dwelling unit**, of which:
- (i) At least 2.00 square metres for each **dwelling unit** shall consist of indoor **amenity space**;
 - (ii) At least 1.09 square metres for each **dwelling unit** shall consist of outdoor **amenity space**; and
 - (iii) No more than 25 percent percent of the outdoor component may be a **green roof**;

- (K) Despite Regulation 10.5.40.70(1) and Clause 10.10.40.70, the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law [Clerks to insert By-law ##];
- (L) Despite Clause 10.5.40.60 and K) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) terrace, platforms associated with a balcony or terrace, fences, canopies and awnings by a maximum of 3.0 metres;
 - (ii) ornamental elements, exterior wall surfaces, , flues, chimneys, lighting fixtures, and fire safety equipment and servicing, gas meters and associated privacy screens, by a maximum of 2.0 metres;
 - (iii) ramps or elevating device providing barrier free access by a maximum of 3.0 metres; and
 - (iv) railings, guardrails, architectural curtain wall projections, window projections by a maximum of 1.2 metres;
- (M) The provision of **dwelling units** is subject to the following:
- (i) A minimum of 15 percent of the total number of **dwelling units** must contain two or more bedrooms;
 - (ii) A minimum of 10 percent of the total number of **dwelling units** must contain three or more bedrooms;
 - (iii) A minimum of an additional 15 percent of the total number of **dwelling units** must have two or three bedrooms (or convertible to two or three bedrooms);
 - (iv) Any **dwelling units** with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above; and
 - (v) If 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;
- (N) Despite Regulation 10.5.50.10(4), a minimum of 30 percent of the area of the **lot** must be **landscaping**, of which a minimum of 10 percent must be **soft landscaping**;
- (O) Despite Regulation 10.5.50.10(5), a minimum 0.5 metre wide strip of **soft landscaping**, which may include a fence, will be provided along any part of a **lot line** abutting another **lot** in the Residential Zone category;

- (P) Despite Regulation 10.5.100.1(4), a **driveway** for an **apartment building** may have a maximum total width of 8.0 metres;
- (Q) 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 0.16 residential occupant **parking spaces** for each **dwelling unit**;
 - (ii) A minimum of 0.02 residential visitor **parking spaces** for each **dwelling unit**; and
 - (iii) A minimum of 0 **parking spaces** for non-residential **gross floor area**;
- (R) Despite Regulations 200.15.1(1) and (3), and 200.15.10(1), a minimum of 3 accessible **parking spaces** must be provided and maintained in accordance with the following minimum dimensions:
- (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; and
 - (iv) The entire length of an accessible **parking space** must be adjacent to a 1.5-metre wide accessible barrier free aisle or path;
- (S) Despite Regulations 230.5.1.10(9) and (10) and 230.50.1.20(2), "long-term" and "short term" **bicycle parking spaces** may be located on the first **storey** of the **building**, within an enclosed room and in a **stacked bicycle parking space**;
- (T) Despite Regulation 230.5.1.10(4)(A) and (C), a **stacked bicycle parking space** may be provided in with the following minimum dimensions:
- (i) A minimum length of 1.6 metres;
 - (ii) A minimum width of 0.4 metres; and
 - (iii) A minimum vertical clearance of 1.2 metres;

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. None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales office for the purposes of marketing, rental, leasing and sale of **dwelling units** and non-residential uses for a period of not more than 3 years from the date this By-law comes into full force and effect, provided:
- (A) The maximum height of the temporary sales office is 3 metres.
7. Section 37 Requirements:
- (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 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 of this By-law requires the owner to provide certain facilities, services or matters and to enter into an agreement or agreements prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of 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.

Enacted and passed on July , 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
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 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 the issuance of any Building Permit, the owner shall enter into an agreement or agreements to the satisfaction of the City Solicitor pursuant to Section 37 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 to secure the facilities, services or matters set out below.
2. The owner shall convey to the City, for nominal consideration and at no cost to the City, lands on site of a size not less than 654.1 square metres intended to be used as parkland in addition to the lands otherwise required to be dedicated pursuant to Section 42 of the Planning Act, with such lands to be conveyed free and clear of all encumbrances and in a size, location, configuration, and condition satisfactory to the City, all to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor;
3. The following matters to be secured in the Section 37 Agreement as a legal convenience to support development:
 - a. That as part of site plan application approval conditions, the owner shall design, install and maintain a fence at the south property line to the satisfaction of the Chief Planner and Executive Director, City Planning, for purposes and with alteration as agreed with the adjacent properties representatives at 180 and 194 Merton Street. Such purposes will include but not be limited to utility access, safety and privacy considerations and shall be kept in good repair;
 - b. The owner shall give primary consideration to the securing and retention of existing retail commercial tenants, to the satisfaction of the Chief Planner and Executive Director, City Planning, promoting the return of businesses and/or services displaced by the proposed development;
 - c. That as part of site plan application approval conditions, the owner shall work with the City and neighbours to provide sufficient soil volume through the use of soil cells and planters, to facilitate mature tree growth to provide shade and privacy along the south property line, in consultation with the adjoining neighbours to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - d. Prior to site plan approval, the owner shall submit a pedestrian wind study, including wind tunnel analysis, to the satisfaction of to the satisfaction of the Chief Planner and Executive Director, City Planning, which identifies recommendations for pedestrian comfort in the public park;

- e. Through the site plan approval process, the owner shall install a privacy screen in the form of translucent glass and/or landscaping along the southern edge of the second storey terrace;
- f. The owner shall provide a landscaped space with a minimum area of 370 square metres located along a section of the west property line of the new park;
- g. Prior to site plan approval, the owner shall work with City staff to determine the final design and dimensions of the landscaped space described above, to promote soft landscaping and pedestrian connectivity;
- h. Prior to the earlier of site plan approval of the first building permit for shoring and excavation, the owner shall submit a Functional Servicing Report to the City for review and acceptance by Engineering and Construction. The report will determine whether the municipal water, sanitary and storm sewer systems can support the proposed development and whether upgrades or improvements of the existing municipal infrastructure are required;
- i. Prior to the earlier of site plan approval or the first building permit for shoring and excavation, the owner shall submit the following materials for review and acceptance to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services:
 - i. Updated Functional Servicing and Stormwater Management Report;
 - ii. Updated Hydrogeological Report;
 - iii. Servicing Report Groundwater Summary Form; and
 - iv. Hydrogeological Review Summary Form;
- j. Prior to the earlier of site plan approval or the first building permit for shoring and excavation, the owner shall pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing and Stormwater Management Report, to be resubmitted for review and acceptance by the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements to such infrastructure are required to support this development;
- k. 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 of 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 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; and

1. The owner shall provide space within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 681-10.

Diagram 1

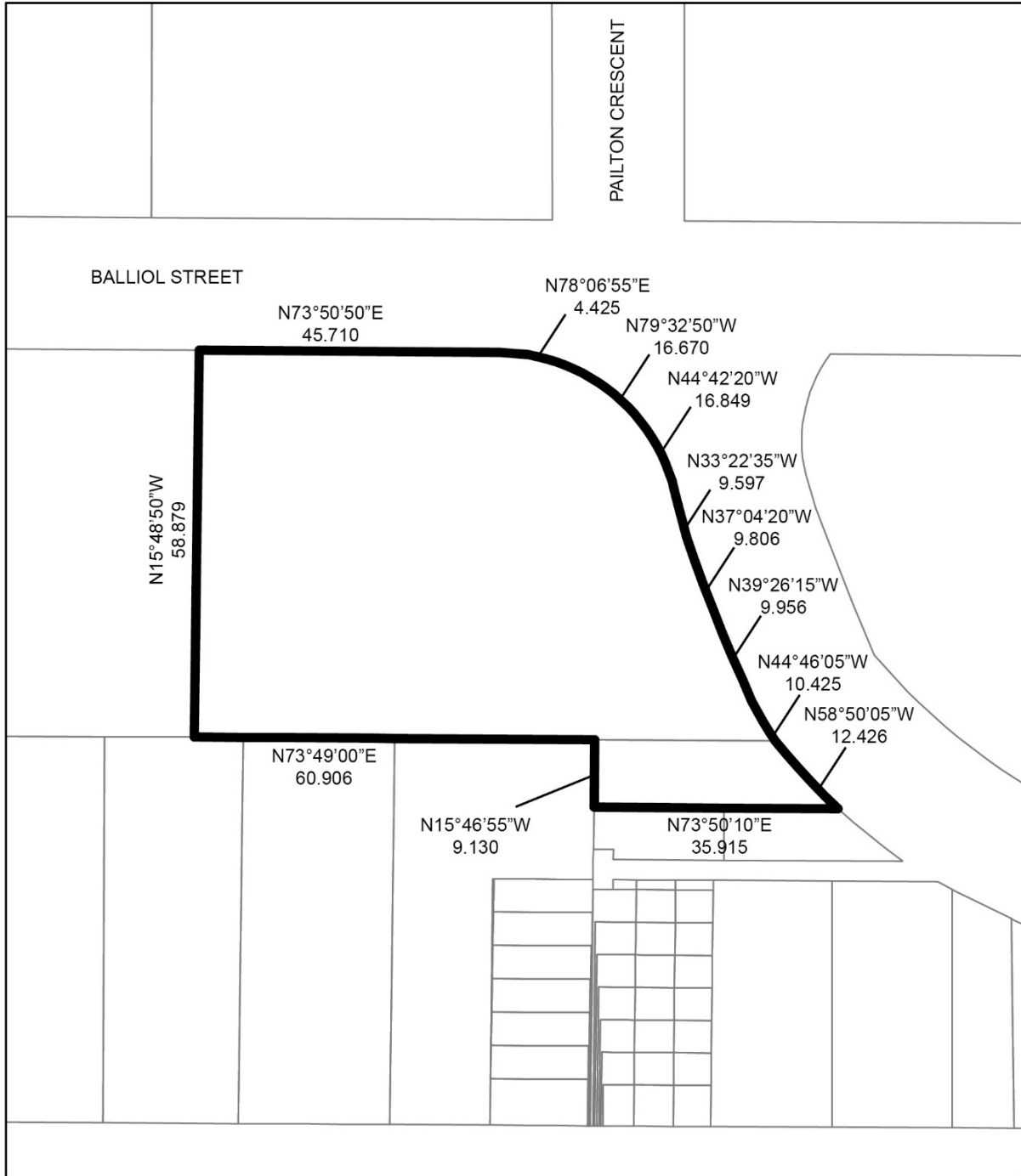
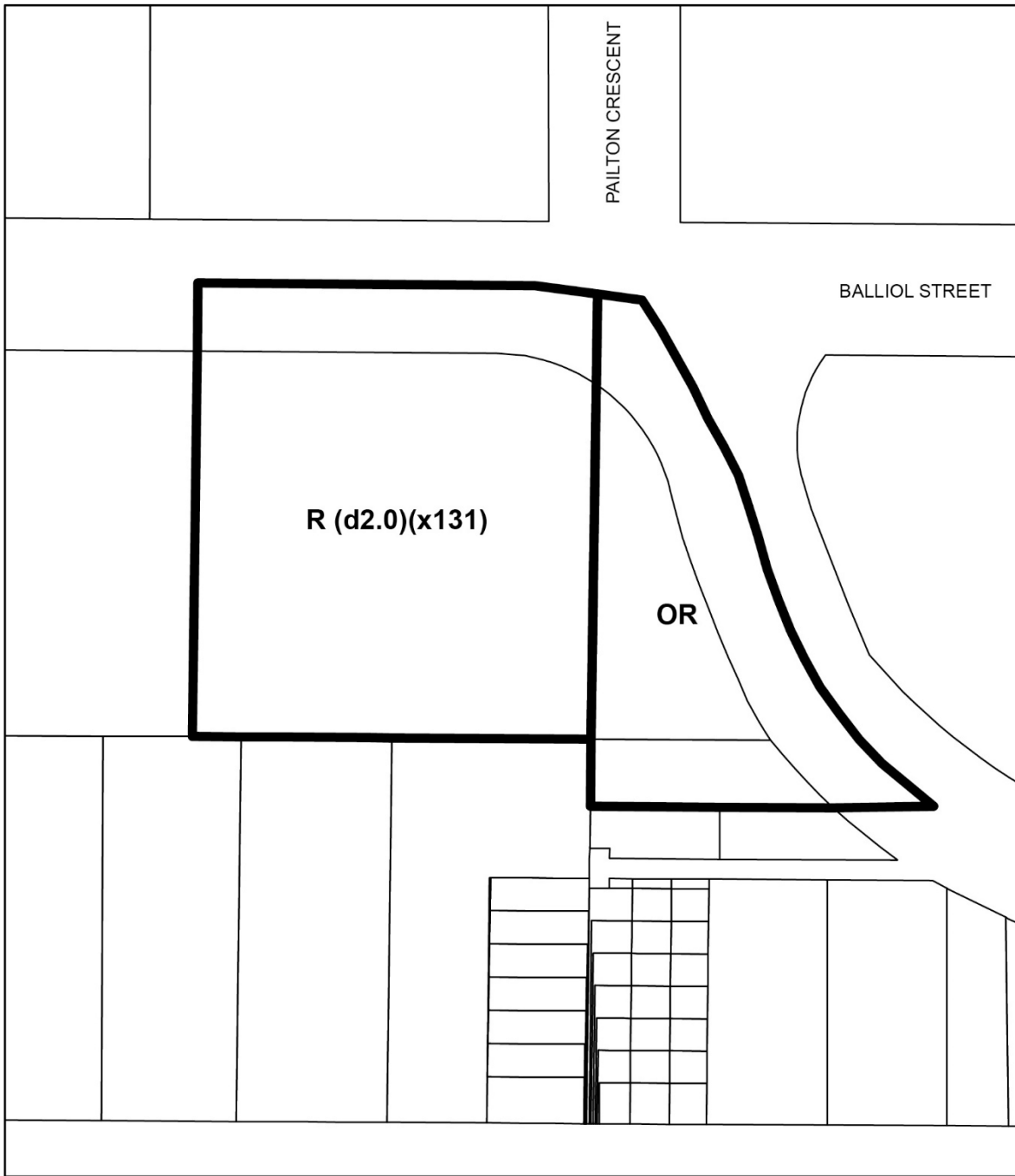


Diagram 2



 **TORONTO**
Diagram 2

**185 Balliol Street &
8 Pailton Crescent**
File # 20 193619 STE 12 0Z

Diagram 3

