

Authority: Toronto Community Council Report No. 14, Clause No. 3,
as adopted by City of Toronto Council on November 25, 26 and 27, 1998
Enacted by Council: July 8, 1999

CITY OF TORONTO

BY-LAW No. 383-1999

To amend the Zoning By-law for the former City of Toronto No. 438-86, with respect to 2078 and 2300 St. Clair Avenue West and 66 Symes Road.

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of the municipality may in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond that otherwise permitted by the By-law 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 or matters in return for an increase in the height or density of development, a 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* has elected to provide the facilities, services or matters as are set out in this By-law; and

WHEREAS the increase in height and residential density of development permitted under this By-law beyond that otherwise permitted on the *Site* by By-law No. 438-86, as amended, is to be permitted in return for the provision of the facilities services and matters set out in this By-law and to be secured by one or more agreements between the owner of the *Site* and the City of Toronto; and

WHEREAS the Council of the City of Toronto has required the owner of the *Site* to enter into one or more agreements dealing with certain facilities, services and matters in return for the increase in permitted height and density in connection with the *Site*;

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

1. That District Maps 47K-312 and 47K-313 contained in Appendix 'A' of By-law No. 438-86 of the former City of Toronto, being "A By-law To regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, be further amended by redesignating to R2 Z1.0 the lands shown outlined by heavy lines on Plan 1 attached to this By-law.

2. That Height and Minimum Lot Frontage Maps 47K-312 and 47K-313 contained in Appendix 'B' of the aforesaid By-law No. 438-86, as amended, be further amended by redesignating the lands shown outlined by heavy lines on Plan 1 attached to this By-law to *height* limit designation 11 metres.

3. None of the provisions of sections 6(3)PART II 2, 6(3)PART II 3A (II), 6(3)

PART II 7(ii)A, and 6(3)PART VII 1 of the aforesaid By-law No. 438-86, as amended, shall apply to prevent the use of lands or the erection or use on the lands shown on Plan 2 attached to this By-law of buildings and structures otherwise in compliance with all other provisions of the aforesaid By-law No. 438-86, provided:

- (1) the lands, buildings and structures are used for only those uses permitted by sections 6(1)(f)(a) and 6(1)(f)(b) of the aforesaid By-law No. 438-86, excluding *apartment building, dwelling units - two or more, keeping of roomers or boarders, rowplex, triplex, rooming house and parking area*;
- (2) no building on a *lot* with a *front lot line* on St. Clair Avenue West is located within 3.0 metres of the said *front lot line*;
- (3) no building on a *lot* with a *front lot line* on any of Streets 'A', 'C' or 'D' as shown on Plan 3 attached to this By-law, is located within 1.0 metre of the said *front lot line*;
- (4) no building on a *corner lot* is located within 1.0 metre of the *flank* of the *corner lot*;
- (5) no *accessory* building, including a *private garage*, is located within 2.0 metres of a *residential building*;
- (6) no building is located on a *lot* having a *lot frontage* of less than 5.5 metres;
- (7) each *dwelling unit* is provided with at least 1 *parking space* located within a detached *private garage* in the rear yard of the *lot* containing the *dwelling unit*;
- (8) the *Owner* enters into an agreement with the City pursuant to Section 37 of the *Planning Act*, and registered against title to the *Site*, to secure the provision by the *Owner* of the following facilities, services and matters:
 - (i) the *Owner* shall convey to the City the Park Lands, at nominal cost, prior to the registration of any plan of subdivision in respect of the *Site* and pay all associated costs and taxes;
 - (ii) prior to the conveyance of the Park Lands, the *Owner* shall provide to the satisfaction of City Solicitor, all legal descriptions and applicable reference plans of survey for the Park Lands;
 - (iii) not more than 30 days before the conveyance of the Park Lands, the *Owner* shall provide a title opinion, satisfactory to the City Solicitor, opining that the City would, upon registration of the conveyance of the Park Lands, acquire fee simple title thereto, free of encumbrances;

- (iv) prior to the conveyance of the Park Lands, the *Owner* shall provide to the satisfaction of Commissioner of Economic Development, Culture & Tourism and Medical Officer of Health, an opinion confirming the Park Lands meet all applicable laws, regulations and guidelines respecting sites to be used for public park purposes including City Council's policies respecting soil remediation of sites to be acquired by the City, such opinion to be prepared by a qualified environmental consultant acceptable to the Medical Officer of Health;
- (v) the *Owner* shall be responsible for any and all claims, demands, suits actions, causes of action, liabilities, costs and expenses (including legal costs) arising from or in any way connected with any contaminant left on or below the Park Lands at the time of conveyance or created as a result of the development of the Site with the exception of any liability arising from the negligence of the City or the introduction of contaminants to the Park Lands by the City's use thereof as a park;
- (vi) prior to the conveyance to the City of any streets, lanes, and the widenings of St. Clair Avenue West as a condition of subdivision approval in respect of the Site and prior to the conveyance of the Park Lands, the *Owner* shall provide a Record of Site Condition in the most current form provided by the Ministry of the Environment and Energy, completed by the qualified environmental consultant, with the Acknowledgement of Receipt completed by the said Minister and an acknowledgement by the said Minister or delegate that an audit will not be done or has been carried out with results and remediation satisfactory to the said Minister;
- (vii) prior to the issuance of a *Building Permit* the *Owner* obtain an occupancy permit for the Park Lands from the Commissioner of Economic Development, Culture & Tourism and agree to indemnify the City against any claim for any interim use of or work carried out on the Park Lands;
- (viii) prior to the issuance of a *Building Permit* the *Owner* shall take out a comprehensive general liability insurance, in an insurance policy in the amount of \$5,000,000, for the joint benefit of the *Owner* and the City, against any liability for claims respecting personal injury, death or property damage resulting from any accident or occurrence on the Park Lands and that such insurance policy shall name the City as an insured party and shall contain a clause protecting the City against claims by the *Owner* as if the City were separately insured and a clause providing that the insurer will not cancel nor refuse to renew the said insurance without first having given the City 30 days prior written notice thereof;

- (ix) prior to the issuance of a *Building Permit* the *Owner* shall deliver a Certificate of Insurance, satisfactory to the City, in respect of the insurance policy referred to above;
- (x) prior to the earlier of the issuance of a *Building Permit* or the satisfactory remediation of the Park Lands, the *Owner* shall complete the installation of a 1.8 metre high hoarding or chain link fencing along the boundaries of the Park Lands, such fence to remain in place until such time as the landscaping referred to in subsection (xii) below is completed to the satisfaction of the Commissioner of Economic Development, Culture & Tourism;
- (xi) prior to the issuance of a *Building Permit* the *Owner* shall provide the City with an irrevocable Letter of Credit in an amount and form satisfactory to the Commissioner of Economic Development, Culture and Tourism for the landscaping referred to in subsection (xii) below;
- (xii) not later than two years following the issuance of the first Building Permit for any building within the Site, the *Owner* shall complete the installation of landscaping on the Park Lands, such landscaping to include fill, topsoil, sod, water service, and (if required by the Commissioner of Works and Emergency Services) a noise attenuation wall being a 2.4 metre high acoustical fence satisfactory to the Commissioner of Works and Emergency Services,
- (xiii) prior to the installation of the landscaping, the *Owner* shall grade the surface of the Park Lands in a satisfactory manner;
- (xiv) if the landscaping and associated park improvements, including the noise attenuation wall, are not completed within two years following the issuance of the first Building Permit for any building within the Site, the City may draw upon the Letter of Credit referred to in subsection (xi) to complete the landscaping;
- (xv) prior to conveyance of the Park Lands, the *Owner* shall provide the City with \$90,000.000 escalated in accordance with the Construction Price Statistics or with an irrevocable Letter of Credit in the said amount to be used toward the further landscaping of the Park Lands and which may be drawn upon following completion of the landscaping referred to in subsection (xii) above;
- (xvi) prior to the final approval of any plan of subdivision for the Site, the *Owner* shall provide a financial contribution in an amount satisfactory to the Toronto Transit Commission, toward the cost of the track relocation work at St. Clair and Gunns Road, said amount not to exceed \$100,000.00; and

(xvii) such other facilities, services and matters as the City Solicitor considers appropriate to give effect to the reports of the Commissioner of Urban Planning and Development Services in support of this By-law or imposed by Council as a condition of this By-law.

4. The following temporary uses are permitted within the Site:

- (1) the erection and use on the lands shown on Plan 2 of a temporary sales showroom, with a *gross floor area* not exceeding 175 square metres, for a period expiring upon the earliest of the following,
 - (i) three years from the date of passing of this By-law, and
 - (ii) the first day the City assumes any street allowance within the Site, and
- (2) a model home, provided it complies with all other provisions of the aforesaid By-law No. 438-86 and this By-law, for a period expiring three years from the date of passing of this By-law.

5. For the purposes of this By-law,

- (1) "*Building Permit*" means a permit to construct a building within the Site, pursuant to Section 8 of the *Building Code Act*, S.O. 1992, as amended or re-enacted from time to time,
- (2) "*Owner*" means the registered owner of the Site,
- (3) "*Park Lands*" means Lots 175 and 176 as shown on Plan 3 attached to this By-law and described therein as "Parkland Dedication Lands",
- (4) "*Site*" means the lands delineated by heavy lines on Plan 1 attached to this By-law, and
- (5) each other word or expression which is italicized in this By-law shall have the same meaning as each word or expression as defined in the aforesaid By-law No. 438-86, as amended.

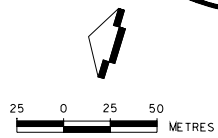
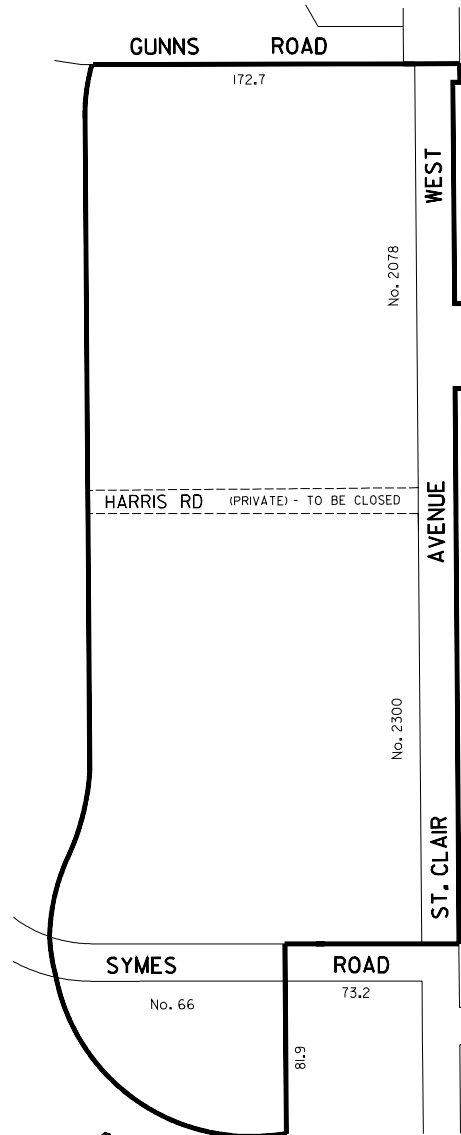
ENACTED AND PASSED this 8th day of July, A.D. 1999.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

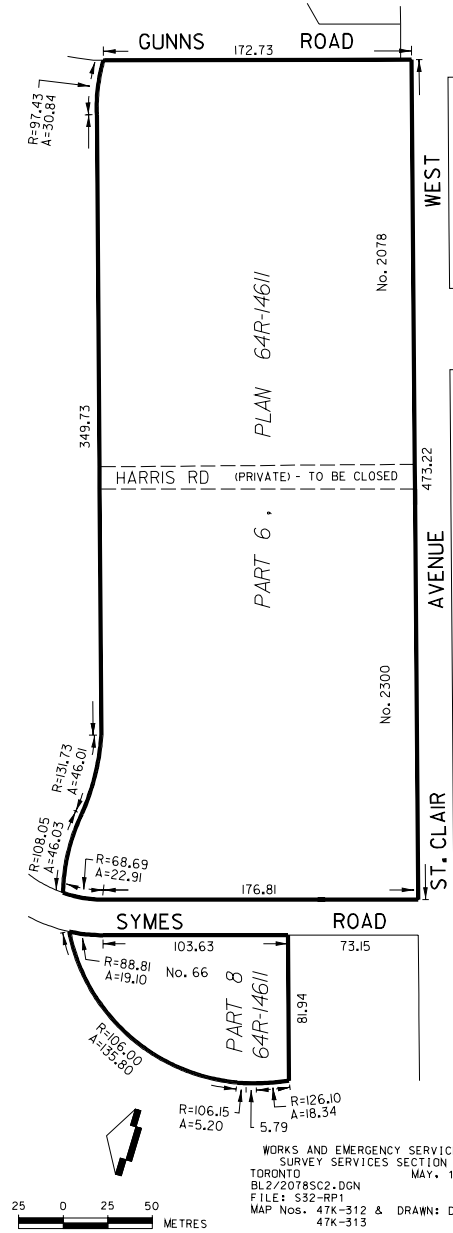
(Corporate Seal)

PLAN 1

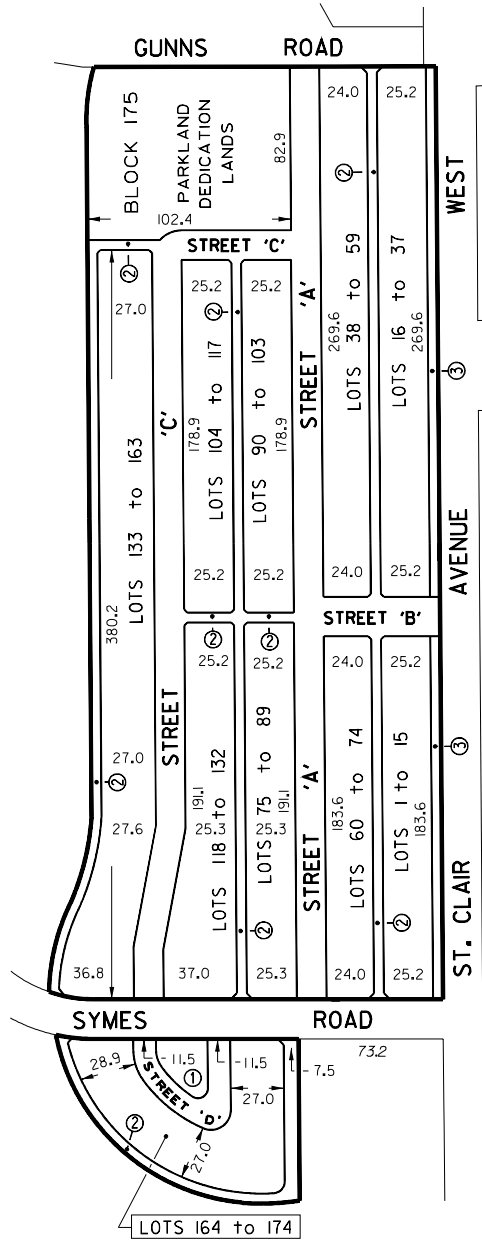


WORKS AND EMERGENCY SERVICES
SURVEY SERVICES SECTION
TORONTO APRIL, 1999
BL2/2078SC1.DGN
FILES: S32-RP1, 2402.53-3
MAP Nos. 47K-312 & DRAWN: D.R.
47K-313

PLAN 2



PLAN 3



- ① BLOCK 176 - PARKLAND DEDICATION LANDS
 - ② PROPOSED PUBLIC LANES (5.0 m WIDE, 1.5m SPLAYS)
 - ③ PROPOSED WIDENINGS - BLOCKS 177 AND 178 (5.0m WIDE)
- STREETS 'A' AND 'C' - 15.0 m WIDE
 STREET 'B' - 20.0 m WIDE

WORKS AND EMERGENCY SERVICES
 TORONTO SURVEY SERVICES SECTION
 BLZ/2078SC3.DGN APRIL, 1999
 FILE: S32-RP1
 MAP Nos. 47K-312 & DRAWN: D.R.