

Authority: Toronto Community Council Report No. 12, Clause No. 91,
as adopted by City of Toronto Council on September 28 and 29, 1999
Enacted by Council: October 27, 1999

CITY OF TORONTO

BY-LAW No. 686-1999

**To amend By-law No. 438-86 of the former City of Toronto, as amended,
respecting 866 Avenue Road.**

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law 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 height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto; and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law.

Now therefore the Council of the City of Toronto HEREBY ENACTS as follows:

1. Section 12(1) of By-law No. 436-86, 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, is further amended by adding the following exception:

“443. to prevent the erection and use of a combined *gas bar* and *retail store* on the lands shown outlined by heavy lines on the map following this exception, provided that:

- (i) the *lot* on which the building and canopy structure is located comprises at least those lands delineated by heavy lines on the map following this exception;

- (ii) no portion of any building or canopy structure above *grade* is located otherwise than wholly within the “BUILDING ENVELOPE” as shown on the map following this exception;
- (iii) no portion of the building or canopy structure erected or used on the *lot* is located above the *height* limits above *grade* shown on the map following this exception;
- (iv) the *non-residential gross floor area* of the combined *gas bar* and *retail store* does not exceed 145 square metres;
- (v) 6 *parking spaces* are provided and maintained on the *lot*;
- (vi) the owner of the *lot* shall, at its expense and in accordance with and subject to the agreement referred to in clause (m) below:
 - (a) close and keep closed the *gas bar* and *retail store* between the hours of 11:00 p.m. and 6:00 a.m. every day of the year;
 - (b) provide fuel deliveries only between the hours of 7:00 a.m. and 7:00 p.m., Monday to Friday;
 - (c) turn-off and keep turned-off the lights on the underside of the canopy between the hours of 11:00 p.m. and 6:00 a.m. every day of the year and to achieve this by means of an automatic device;
 - (d) provide and maintain an air compressor and hose on the premises, suitable for use by cyclists, to be available without charge everyday between the hours of 6:00 a.m. and 11:00 p.m.;
 - (e) construct the *gas bar* and *retail store* using materials specified on the plans approved pursuant to Section 41 of the *Planning Act* and on file with the Commissioner of Urban Planning and Development Services;
 - (f) provide, maintain and operate the development in accordance with the Noise Impact Statement approved by the Commissioner of Works and Emergency Services;
 - (g) provide, maintain and operate the development in accordance with the Material Recovery and Waste Reduction Plan approved by the Commissioner of Works and Emergency Services;
 - (h) conduct a detailed historical review of the site to identify all existing and past land uses which could have resulted in

- negative environmental effects for review and approval by the Medical Officer of Health prior to the issuance of any permit;
- (i) conduct a site and building audit for the identification of all hazardous materials on the site and in existing buildings for submission to the Commissioner of Urban Planning and Development Services and review and approval by the Medical Officer of Health prior to the issuance of any permit;
 - (j) conduct a soil and groundwater testing program, produce a Soil and Groundwater Management Plan for submission to the Commissioner of Urban Planning and Development Services and review and approval by the Medical Officer of Health prior to the issuance of any permit, and implement the Plan as required;
 - (k) prepare a Demolition and Excavation Dust Control Plan for submission to the Commissioner of Urban Planning and Development Services and review and approval by the Medical Officer of Health prior to the issuance of any permit, and implement the Plan as required;
 - (l) provide space within the development for the construction of any transformer vaults, Hydro and Bell maintenance holes and sewer maintenance holes required in connection with the development; and
 - (m) enter into one or more agreements with the City pursuant to Section 37 of the *Planning Act* to secure all the facilities, services and matters referred to in paragraph (vi) herein, and such agreement or agreements are appropriately registered against the title to the lands; and
- (vii) with the exception of section 6(3) Part II 4 and section 6(3) Part II 3G, all other provisions of this by-law are complied with.

For the purposes of this exception:

- (1) “*grade*” shall mean 154.875 metres Canadian Geodetic Datum; and

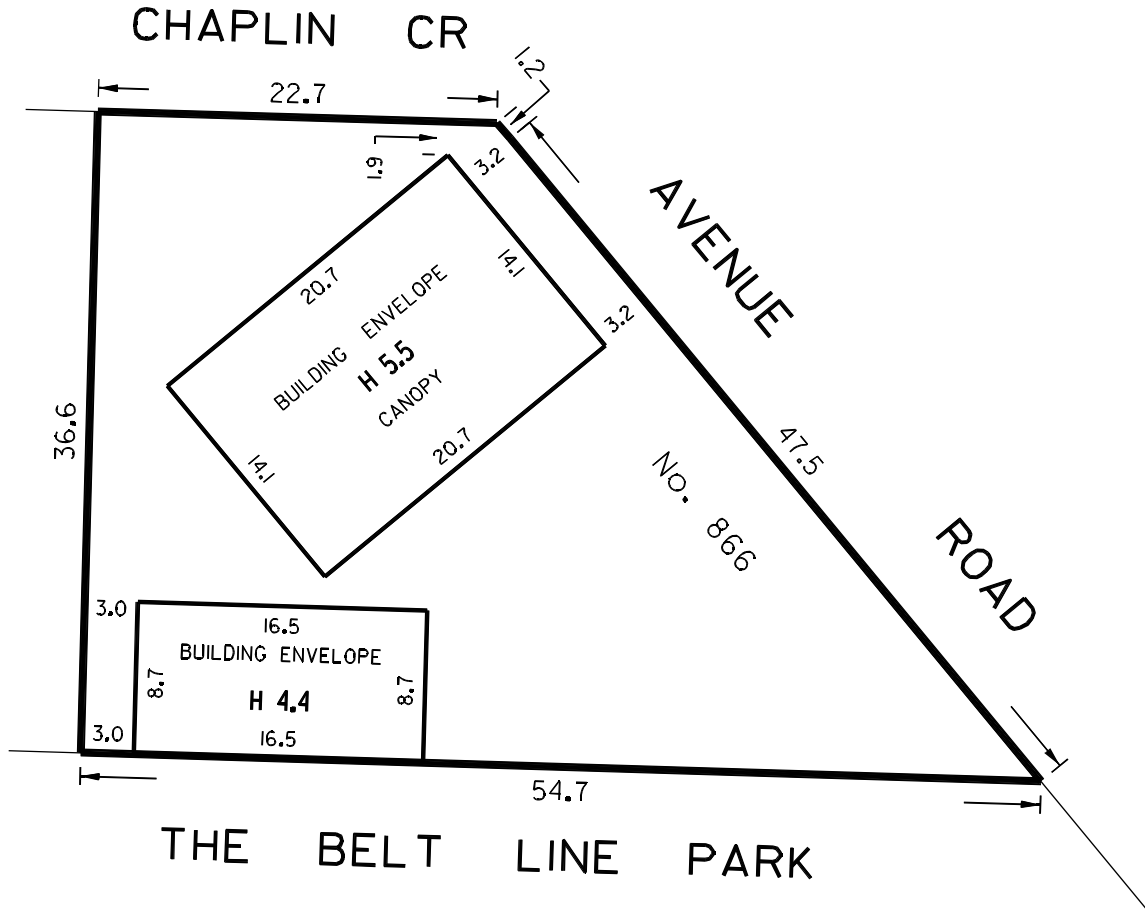
- (2) for the avoidance of doubt, “*restaurant*” or “*take-out restaurant*” uses shall not be permitted on the “*lot*.”

ENACTED AND PASSED this 27th day of October, A.D. 1999.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE

 LANDS REFERRED TO AS THE LOT IN SECTION 12(I)443



WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO SEPTEMBER, 1999
 SEC2/S121443.DGN
 FILES: A17-Z43, 2402.53
 MAP No. 50K-322 DRAWN: D.R.