

# CITY OF TORONTO

## BY-LAW No. 297-2010(OMB)

### **To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to part of the lands forming part of the property municipally known as 800 Lansdowne Avenue.**

WHEREAS the Ontario Municipal Board pursuant to its Order issued on June 11, 2008, upon hearing the appeal of Ridgevest Developments Limited under Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, determined to amend the By-law No. 438-86, as amended, for the former City of Toronto; and

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

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

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

WHEREAS the increases in density and 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 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; and

WHEREAS the City of Toronto 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;

THEREFORE the Ontario Municipal Board orders that By-law No. 438-86, as amended, of the former City of Toronto is further amended as follows:

1. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, 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 certain buildings and structures in various areas of the City of Toronto", shall continue to apply to the *lot*.
2. None of the uses listed within Section 9(1)(f)(a) and 9(1)(f)(b) of By-law No. 438-86, as amended, shall be permitted on the *lot*.

3. Despite Section 2 of this by-law, uses listed within Section 6(1)(f)(a) of By-law No. 438-86, as amended, shall be permitted on the *lot*.
4. None of the provisions of Sections 2(1) with respect to the definitions of *grade*, *height*, *lot*, *parking garage* and *residential gross floor area*, 4(2), 4(4)(b), 4(11)(b) and 4(11)(c), of the aforesaid By-law 438-86 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, shall apply to prevent the erection and use of a residential *apartment building* containing *residential gross floor area* and a *parking garage* as an *accessory* use on the lands, provided that:
  - (1) the *lot* comprises those lands delineated by heavy lines as shown on Map 1 attached hereto;
  - (2) no buildings or structures on Map 1 may be erected and used for any other purpose than *apartment building*, and a *parking garage* as an *accessory* use;
  - (3) the maximum combined *residential gross floor area* erected or used on the lot does not exceed 45,150 square metres, of which:
    - (a) the *residential gross floor area* does not exceed 21,800 square metres on *Block A* on Map 2; and
    - (b) the *residential gross floor area* does not exceed 23,350 square metres on *Block B* on Map 2;
  - (4) no person shall erect or use an *apartment building* on the *lot*, having a greater *height* in metres than the *height* limit specified by the numbers following the symbol "H", shown on Map 3 with the exception of a *parking garage* and with the exceptions as listed within Section 4(2)(a)(i) and (ii);
  - (5) an *apartment building* erected and used on the *lot* shall comply with Section 6(3) PART II 6 of By-law No. 438-86;
  - (6) no portion of an *apartment building* erected and used above *grade* is located otherwise than wholly within *Block A* and *Block B* shown on Map 2 with the exception of:
    - (a) the projections identified in Section 6(3) PART II 8 of By-law No. 438-86, provided that the restrictions in that Section are complied with; and
    - (b) a balcony of a *dwelling unit* which may extend a maximum of 1.7 metres beyond *Block A* and *Block B* shown on Map 2;

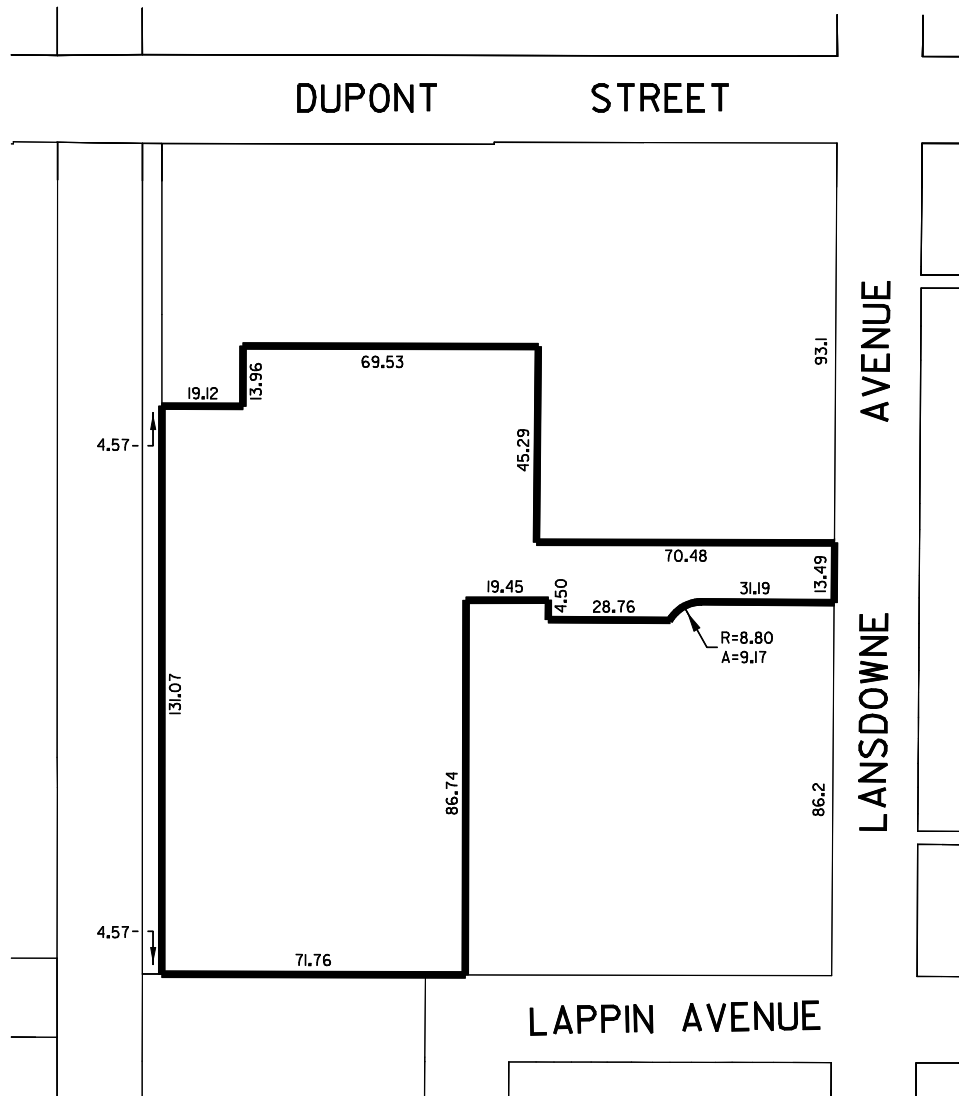
- (7) the maximum number of *dwelling units* provided in *apartment building* on the *lot* does not exceed 600 units, of which:
    - (a) the average floor area of the *dwelling units*, as measured from the exterior walls of such units, on *Block A* on Map 2 shall be at least 50 square metres; and
    - (b) the average floor area of the *dwelling units*, as measured from the exterior walls of such units, on *Block B* on Map 2 shall be at least 50 square metres;
  - (8) *parking spaces* for any building or structure erected and used on the *lot* shall be provided and maintained on the *lot* in accordance with the following minimum parking ratios:
    - (a) any *dwelling units* - 0.53 spaces per *dwelling unit*; and
    - (b) visitors parking - 0.12 spaces per *dwelling unit*;
  - (9) a minimum of 2 square metres of indoor *residential amenity space* per *dwelling unit* is provided and maintained on *Block A* on Map 2; and a minimum of 2 square metres of indoor *residential amenity space* per *dwelling unit* is provided and maintained on *Block B* on Map 2;
  - (10) at least 1 *loading space* – *Type G* is provided on the *lot* for any building or structure that is erected and used on *Block A* and *Block B*;
5. The owner shall, at its expense and in accordance with and subject to the agreement pursuant to section 37 of the *Planning Act* referred to herein:
- (1) Provide the City \$250,000 to be used by the City in its discretion for community benefits in the Wallace-Emerson Community. These funds are payable in equal amounts of \$125,000 upon issuance of building permits for each of Blocks A & B as referenced in the zoning by-law enacted in conjunction with this Official Plan Amendment.
  - (2) Provide the City with an executed, rent free lease, in a form satisfactory to the City Solicitor, of a premise in the ground floor of the building constructed on adjacent lands to the southeast, known generally as Building C of Phase II of the American Standard Site and fronting on Lansdowne Avenue (the "Premises"). Said lease to have a term of 15 years and a demised area of approximately 1880 square feet or the owner shall provide the City with equivalent value, in the City's estimation.

- (3) The owner will covenant in the section 37 agreement to use its reasonable best efforts to cause the owner of the building constructed on adjacent lands to the southeast, known generally as Building C of Phase II of the American Standard Site to obtain the release of an existing restrictive covenant preventing access south to Lappin Avenue should the covenant currently preventing such access be available for release by the beneficiary thereof.
  - (4) The section 37 agreement will incorporate the requirements of recommendations 3(I)(d) to (i) inclusive, of the Report of the Director, Community Planning, South District dated February 11, 2004.
6. The density and height of development permitted by this By-law is permitted provided the owner enters into one or more agreements satisfactory to the City of Toronto, pursuant to Section 37 of the *Planning Act*, to secure the facilities, services and matters required to be provided by Section 5 and such agreement or agreements have been registered as a first priority against the title to the land.
7. For the purpose of this By-law:
- (1) "*Block A*", "*Block B*" mean the areas identified as "*Block A*", "*Block B*", on Map 2;
  - (2) "*grade*" shall mean 118.64 metres Canadian Geodetic Datum;
  - (3) "*lot*" comprises those lands delineated by heavy lines as shown on the attached Map 1 and shall be deemed to be one *lot* regardless of whether or not two *apartment buildings* are erected or are to be erected on any part or parts thereof and regardless of any conveyance or easements made or granted after the day this by-law comes into force;
  - (4) "*height*" means the vertical distance between *grade* and;
    - (a) the highest point of the roof; and
    - (b) where there is no roof, the highest point of the structure;however, it excludes parapet walls with a maximum height of 2.0 metres and the exceptions as listed within Section 4(2)(a)(i) and (ii) of By-law No. 438-86, as amended;
  - (5) "*parking garage*" means a building or portion of a building that is used for the temporary parking of motor vehicles, as an *accessory* use to the principal *apartment building* use on the whole of the lot or the portion of the lot on which the *parking garage* is located, and not exceeding a maximum *height* of 5.86 metres above *grade* on the lot;

- (6) "*residential gross floor area*" means the aggregate of the areas of each floor and the space occupied by walls and stairs, above and below *grade*, of a *residential building* measured between the exterior faces of the exterior walls of the building of structure, exclusive of the following areas:
- (a) a room or enclosed area, including its enclosing walls within the building or structure above or below *grade*, that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical (other than escalators) or telecommunications equipment that serves the building;
  - (b) loading facilities required by By-law No. 438-86, as amended;
  - (c) part of the building or structure that is used for the parking of motor vehicles or bicycles, storage, *residential amenity space* or other *accessory* use, provided the maximum *height* is no higher than 5.86 metres above *grade*;
  - (d) above *grade residential amenity space* required by By-law No. 438-86, as amended; and
  - (e) above *grade bicycle parking spaces* required by By-law No. 438-86, as amended;
- (7) 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; and
7. Despite any existing or future severance, partition or division of the *lot*, the provisions of this by-law shall apply to the whole *lot* as if no severance, partition or division occurred.

PURSUANT TO DECISION/ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON JUNE 11, 2008 IN BOARD CASE NO. PL030172.

## MAP 1

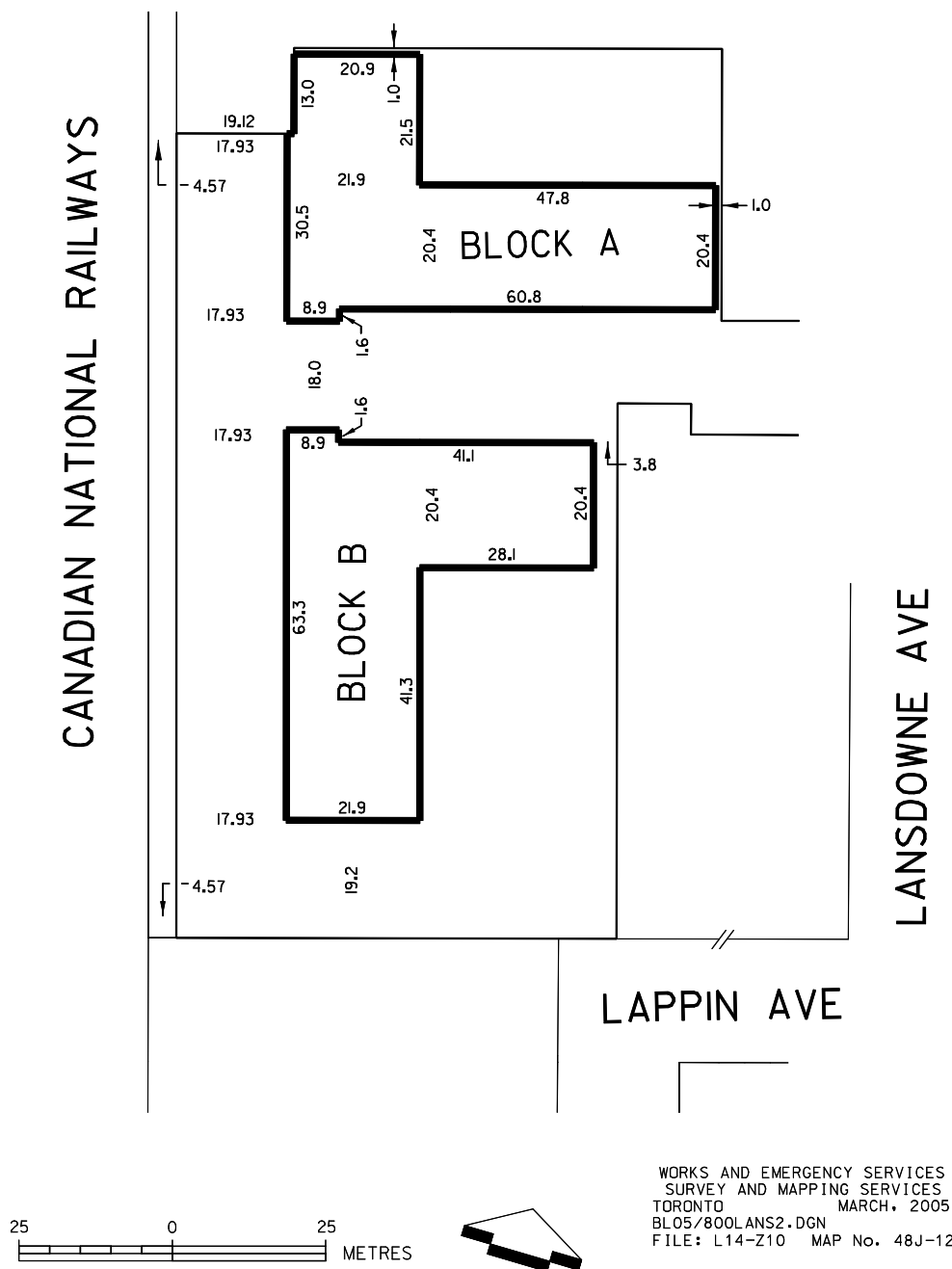


 800 LANSDOWNE AVENUE LANDS

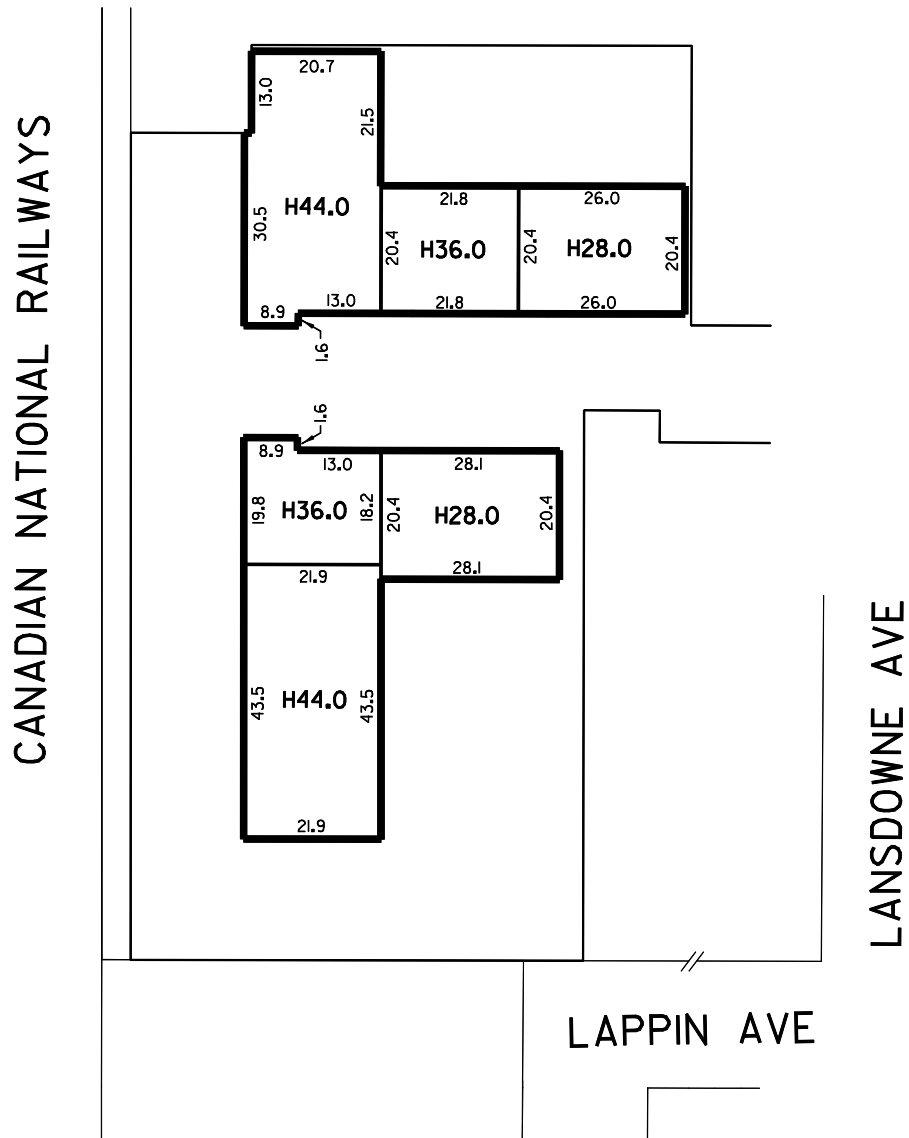


WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SERVICES  
TORONTO MARCH, 2005  
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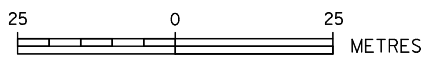
## MAP 2



## MAP 3



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SERVICES  
TORONTO MARCH, 2005  
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FILE: L14-Z10 MAP No. 48J-12