

Authority: Toronto and East York Community Council Item 36.8,  
as adopted by City of Toronto Council on August 25, 26 and 27, 2010  
Enacted by Council: August 27, 2010

## **CITY OF TORONTO**

### **BY-LAW No. 1038-2010**

#### **To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands municipally known as 15, 17, 17R, 19, 21 and 27 Beverley Street.**

WHEREAS authority is given to Council by 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 37 of the *Planning Act*, the Council or a municipality may in a By-law 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 any 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 lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in density or height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provisions 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 (hereinafter referred to as the "City"); and

WHEREAS the Official Plan of the City of Toronto contains provisions relating to the authorization of the height and density of development; 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;

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

1. District Map 50H-312 is hereby amended by rezoning the lands delimited by heavy lines on Schedule A from I1 D1 to R3 Z1.0.
2. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law including the provision by the *owner* of the *lot* of the facilities, services and matters set out in Appendix 1 hereof, to the City at the *owner's* sole expense and in

accordance with and subject to the agreement referred to in Section 3 of this By-law.

3. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law. Building permit issuance with respect to the *lot* shall be dependent upon satisfaction of the provisions of this By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.
4. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the *City* pursuant to Section 37 of the *Planning Act*, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
5. None of the provisions of Sections:  
  
4(2)(a) (Height Limits)  
6(3) PART I, 1 (Density)  
6(3) PART II, 2-5 (Setbacks)  
6(3) PART III, 1(b) (Minimum Landscape Open Space)

of Zoning 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 of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection or use of a *residential building* on the lands municipally known as 15, 17, 17R, 19, 21 and 27 Beverley Street (hereinafter referred to as the *lot*), provided:

- (a) the *lot* comprises the lands delineated by heavy lines on Map 1, attached to and forming part of this By-law;
- (b) no above *grade* portion of a building or structure on the *lot* is located other than wholly within the areas delineated by heavy lines on the Map 2, attached to and forming part of this By-law, except for the following: cornices, lighting fixtures, awnings, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, wheel chair ramps, vents, underground garage ramps and their associated structures, fences, screens, landscape and public art features;
- (c) the *height* of any building or structure or portion thereof erected or used on the *lot* does not exceed the height in metres shown on Map 2 attached to and forming part of this by-law, subject to the exceptions provided for in Section 4(2)(a)(i) and (ii) of Zoning By-law No. 438-86, as amended;
- (d) the *residential gross floor area* erected or used on the *lot* does not exceed 7,500 square metres; and

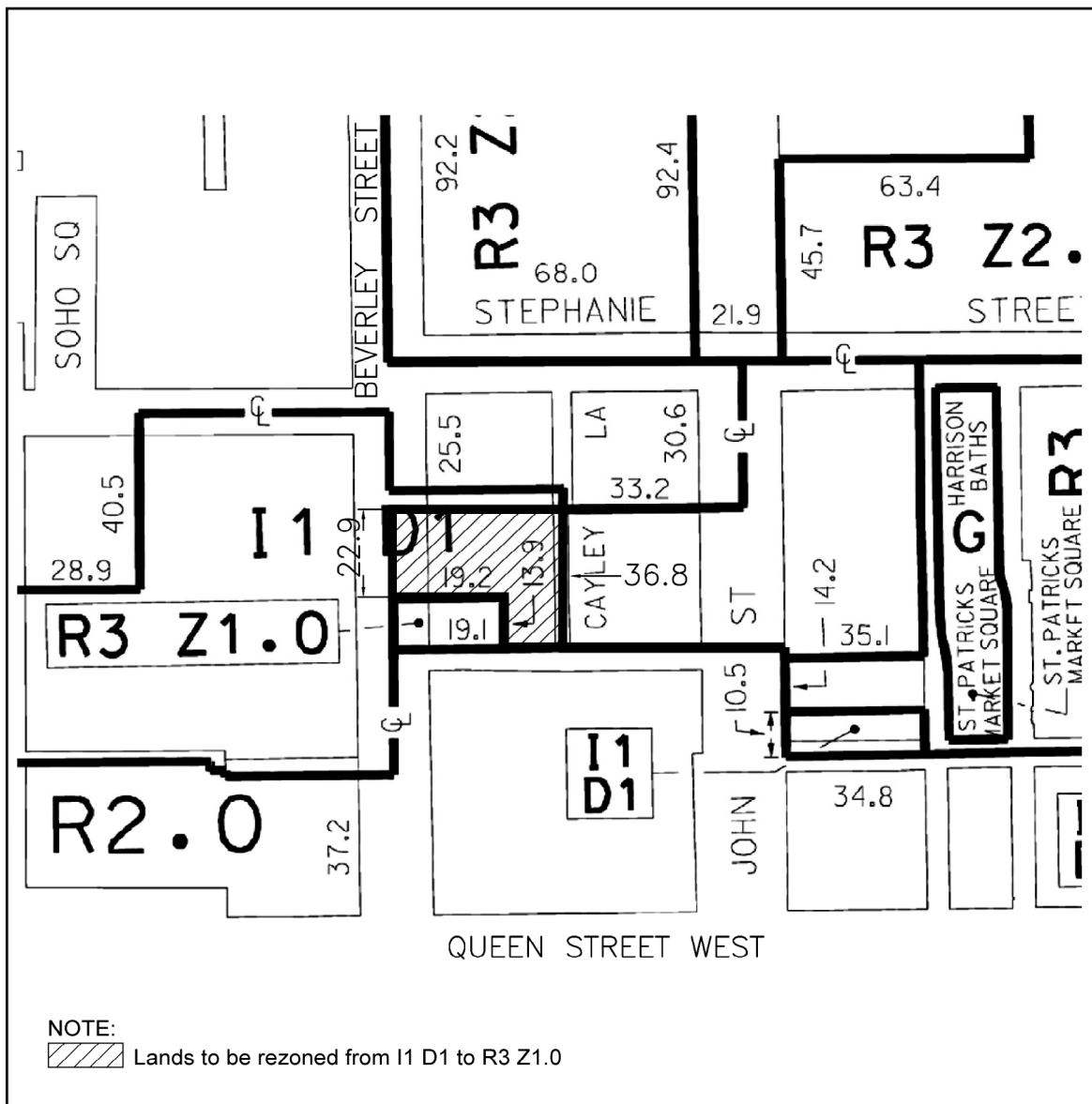
- (e) a minimum of nine (9) residential units in the building have at least three (3) bedrooms;
- 6. None of the provisions of By-law No. 438-86, as amended, shall apply to prevent the erection and use of a *temporary sales office* on the *lot*.
- 7. For the purposes of this By-law,
  - (a) each word or expression that is italicized in the By-law herein shall have the same meaning as each word or expression as defined in By-law No. 438-86, as amended unless the contrary is expressed in this By-law; and
  - (b) "*grade*" means 89.90 metres Canadian Geodetic Datum.
  - (c) "*temporary sales office*" means a building, structure, facility or trailer used for the purpose of the initial sale of *dwelling units* to be erected on the *lot*.
- 8. Despite any existing or future consent, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no consent, partition or division had occurred.
- 9. No person shall use any land or erect or use any building or structure on the *lot*, unless the following municipal services are provided to the *lot* line and the following provisions are complied with:
  - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
  - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this 27th day of August, A.D. 2010.

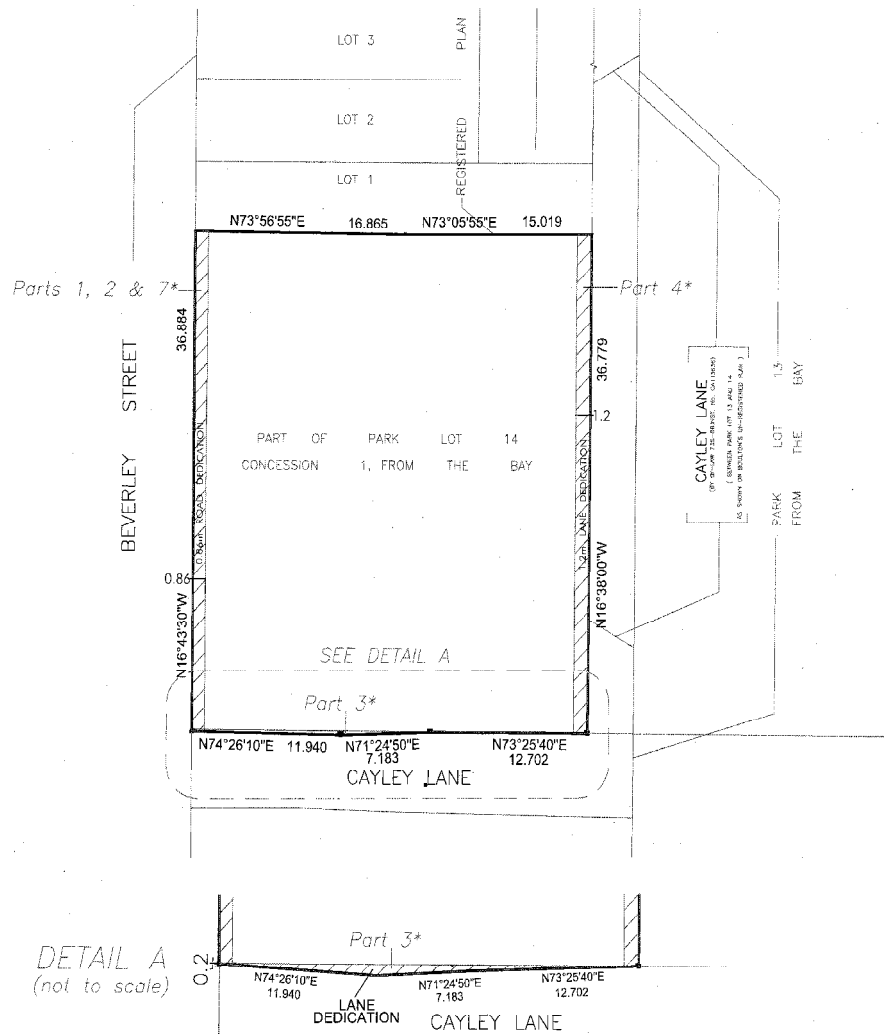
DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)



## Map 1



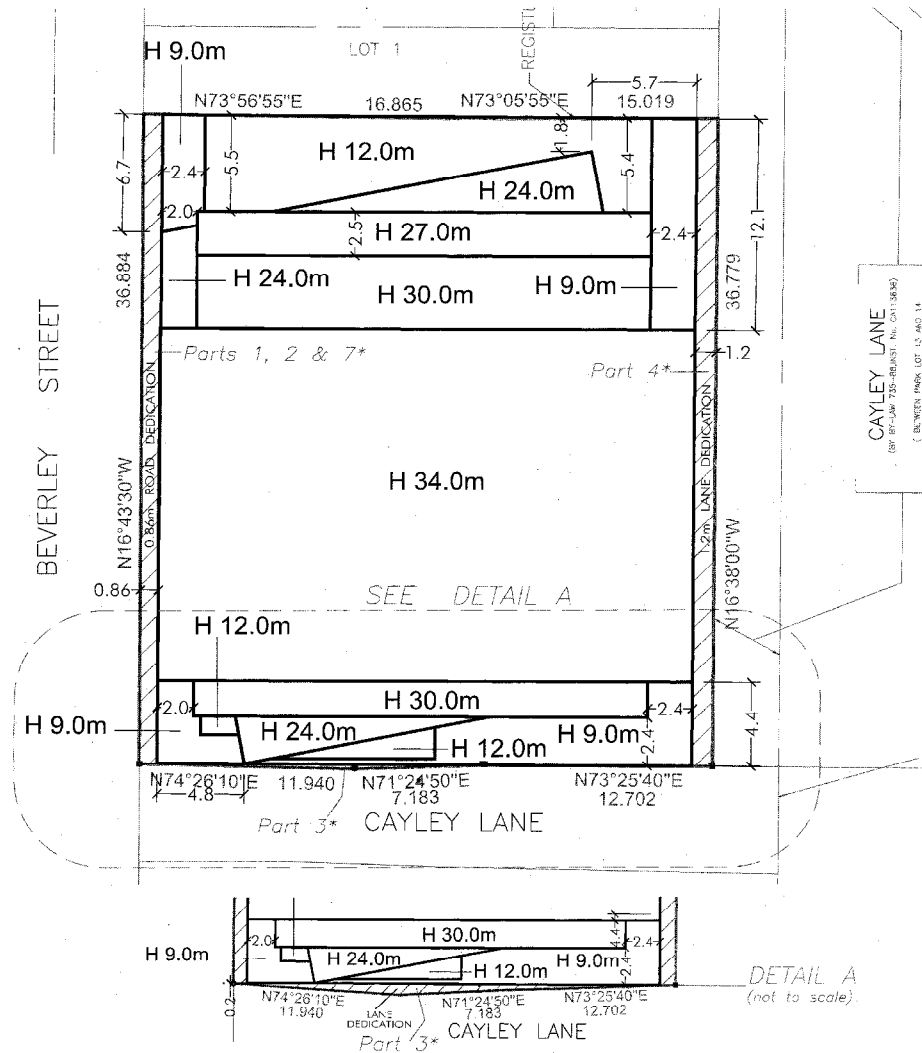
\* As per Reference Plan prepared by Kromar Surveyors  
(Job No. 08-178)



0910-111g August 12, 2010



## Map 2



H DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE

## **Appendix "1"**

### Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *lot* at its expense to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

1. A minimum of nine (9) residential dwelling units in the building shall comprise of three bedroom units;
2. Prior to the issuance of the first above *grade* building permit, the *owner* shall pay to the *City* the sum of \$770,000 as a cash-in-lieu of replacement of the existing 6 rental housing units to be paid to the *City's* Capital Revolving Fund for Affordable Housing for the purpose of constructing new affordable rental housing units;
3. Prior to the issuance of any demolition permit for any portion of the *lot*, the *owner* shall provide a Tenant Relocation and Assistance Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division, that requires the *owner* to provide for each eligible tenant of 15-27 Beverley Street assistance that includes at least a moving allowance and other financial assistance on a sliding scale geared to the length of occupancy of each such tenant, with provisions for special needs tenants, provided;
  - (i) The assistance shall be provided prior to the issuance of any permit to demolish any residential rental dwelling units on the *lot*, with an initial payment to be made at the time that each tenant receives the Notice to Vacate for demolition.
  - (ii) The maximum aggregate amount of the assistance shall be \$30,000 or a higher amount, if necessary, as determined by the Chief Planner and Executive Director, City Planning Division, acting reasonably, if
    - a. There are more than 3 eligible tenants for this assistance, or
    - b. Any of the tenants qualifies for additional assistance as a special needs tenant, or
    - c. The length of tenure of the eligible tenants is determined to be significantly greater than the estimates used for analyzing the maximum amount, or
    - d. The Notice to Vacate for demolition is issued later than one year from the date of initial City approval of this by-law; and
4. The *owner* of the *lot* enters into and registers on title to the *lot* and on title to the lands known municipally in 2009 as 15, 17, 17R, 19, 21 and 27 Beverley Street, one or more agreements with the *City* pursuant to Section 37 of the *Planning Act*, to the satisfaction of the *City* Solicitor, in consultation with the Chief Planner and Executive Director, City Planning Division, to secure the facilities, services and matters set forth in this Appendix 1.