

Authority: Toronto and East York Community Council Item 11.3, as adopted by City of Toronto Council on November 29, 30 and December 1, 2011 and MM28.5, moved by Councillor Bailão, seconded by Councillor Palacio, as adopted by City of Toronto Council on November 27, 28 and 29, 2012
Enacted by Council: November 29, 2012

CITY OF TORONTO

BY-LAW No. 1630-2012

To amend former City of Toronto Zoning By-law No. 438-86, as amended, respecting 830 Lansdowne Avenue.

WHEREAS authority is given to Council under 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 of 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 provisions of such facilities, services or matters as are set 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;

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

1. District Map No. 48J-322 contained in Appendix "A" of By-law No. 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, is further amended by redesignating the lands outlined in heavy lines from "I2D3" to "MCR" as shown in Map 1, attached hereto (the "Lands").
2. Height and Minimum Lot Frontages Map No. 48J-322 contained in Appendix "B" of By-law No. 438-86, as amended, is further amended to establish maximum permitted height in metres on the Lands as shown on Map 2 attached hereto.
3. Notwithstanding the provisions of Section 8(1) Permitted Uses of By-law No. 438-86, only the following uses, and accessory uses thereto shall be permitted on the Lands:

retail store (including a retail food store)
dwelling unit
mixed use building
4. Notwithstanding the provisions of Section 2(1) of By-law No. 438-86, for the purposes of this By-law, *grade* shall mean the geodetic elevation of 118.15 m.

5. Notwithstanding the provisions of Section 2(1) of By-law No. 438-86, for the purposes of this By-law, "*retail food store*" shall mean a building, or portion of a building or structure with a gross floor area not less than 250 m² where food goods and related wares, merchandise, substances, articles or things are stored, offered or kept for sale at retail and "*retail food store*" includes storage on or about the store premises of limited quantities of the food goods, wares, merchandise, substances, articles or things sufficient only to service the store but does not include a retail outlet otherwise classified or defined in By-law No. 438-86.
6. None of the following provisions of Sections 4(2), 4(3), 4(4), 4(6), 4(7), 4(13), 4(16), 8(1) or 8(3) Part II 4 of By-law No. 438-86 apply to prevent the erection and use of the Lands for any use permitted by this By-law, including but not limited to a barrier wall or acoustic wall or fence, thereto, provided that:
- (1) The maximum permitted gross floor areas are as follows:
 - (a) *residential gross floor area* - 42,412 m²;
 - (b) *non-residential gross floor area* - 5,120 m²; and
 - (c) *total gross floor area* - 47,532 m².
 - (2) The total number of dwelling units on the Lands does not exceed 558;
 - (3) The minimum yard setbacks for all buildings and structures in metres and the minimum separation distances in metres shall be as set out in Map 2;
 - (4) Notwithstanding Section 4(2)(a)(i) of By-law No. 438-86, the following elements may exceed the maximum permitted heights as shown on Map 2 by no more than 3.0 m:
 - (a) parapets;
 - (b) landscape elements, including, planters, trellises and other decorative landscape elements and structure; and
 - (c) window washing equipment, chimney stacks and exhaust stacks.
 - (5) Parking spaces shall be provided based upon the following parking rates:
 - (a) Bachelor units - 0.8 per *dwelling unit*;
 - (b) 1 bedroom units - 0.8 per *dwelling unit*;
 - (c) 2 bedroom units - 0.9 per *dwelling unit*;
 - (d) 3⁺ bedroom units - 1.2 per *dwelling unit*;
 - (e) visitors - 0.2 per *dwelling unit*;
 - (f) *retail* - 1.5 per 100 m² of GFA; and
 - (g) *retail food store* - 2.5 per 100 m² of GFA.

- (6) A minimum of 30% of each type of dwelling unit shall be subject to the following maximum gross floor area restrictions:
- (a) 46.5 m² for a bachelor unit;
 - (b) 60.4 m² for a one bedroom unit;
 - (c) 79.0 m² for a two bedroom unit; and
 - (d) 93.0 m² for a three bedroom unit.
- (7) A minimum of seven loading spaces shall be provided, consisting of one Type A, three Type B, one Type C and two Type G spaces.
7. Bicycle parking shall be provided as follows:
- (1) for residents - minimum 347 spaces;
 - (2) for residential visitors - minimum of 85 spaces;
 - (3) for *retail* and *retail food store* (occupants) - minimum 7 spaces; and
 - (4) for *retail* and *retail food store* (visitors) - minimum 19 spaces.
8. Despite any existing or future severance, partition, or division of the Lands subject to this exception, the provisions of this By-law shall continue to apply to the whole of the lot as if no severance, partition or division occurred.
9. Each word or expression which is italicized in this by-law shall have the same meaning as the meaning given to such word or expression as defined in By-law No. 438-86, as amended.
10. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (1) All new public roads have been constructed to a minimum of base curb and asphalt and are connected to an existing public highway; and
 - (2) All water mains and sanitary sewers and appropriate appurtenances, have been installed and are operational.
11. The density and height of development permitted by this By-law is permitted provided the owner has entered 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 12 and such agreement or agreements provide to the satisfaction of the City Solicitor for indexed escalation of financial contributions arising under section 37 of the *Planning Act* and for registration of the section 37 agreement(s) in priority to other encumbrances to the satisfaction of the City Solicitor.

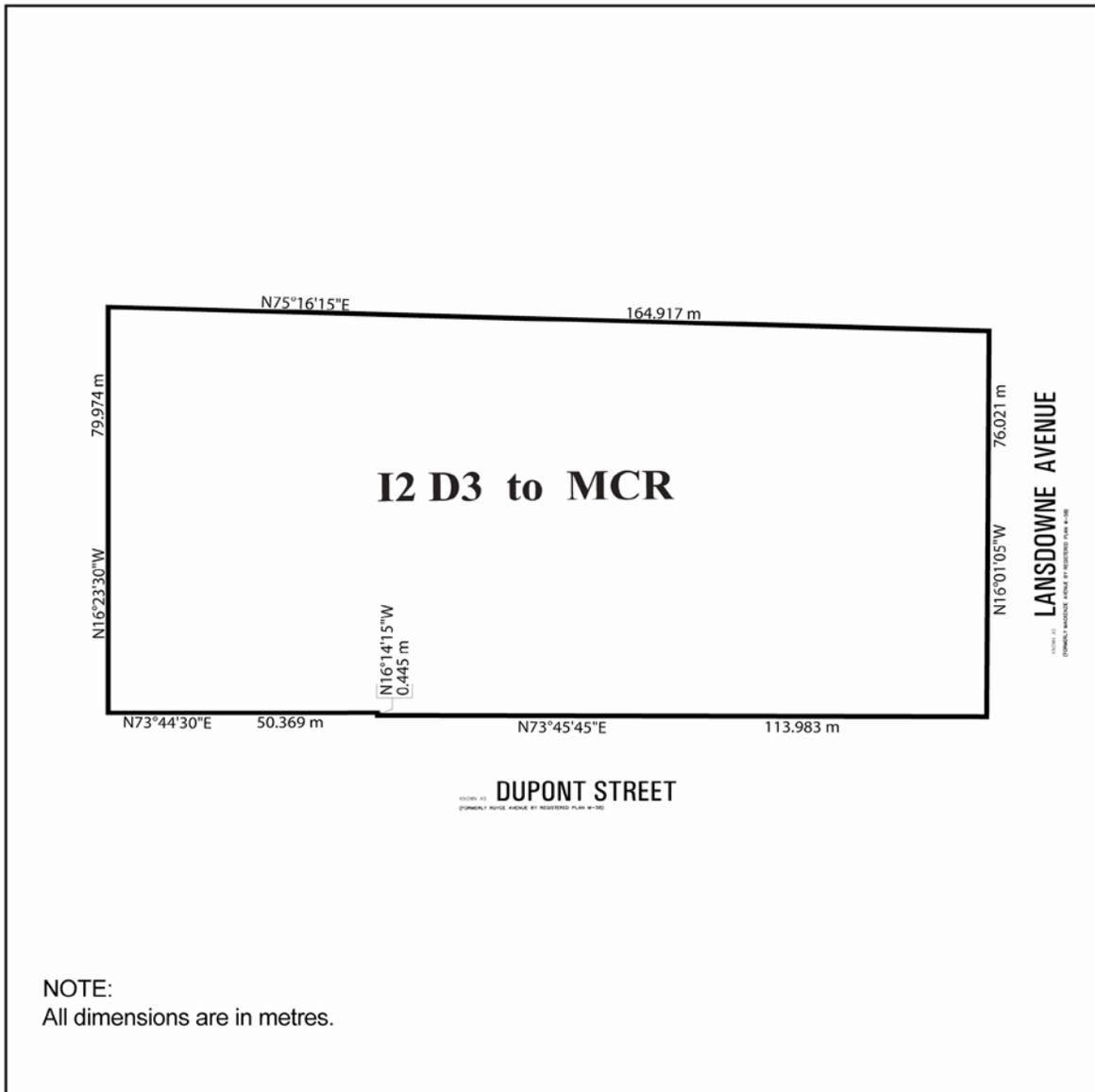
- 12.** The facilities, services and matters set out in herein are the matters required to be provided by the owner of the Lands at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act* in a form satisfactory to the Chief Planner and Executive Director, City Planning Division and the City Solicitor and such agreement(s) shall be registered against title to the Lands to secure the following facilities, services or matters:
- (1) Prior to the issuance of the first above-grade building permit for any building on the Lands, the owner shall provide a \$1,100,000.00 cash payment to the City, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the enactment of this By-law to the date of payment. The indexed cash contribution is to be applied at the sole discretion of the City to any/all of the following:
- (a) the construction of a new Toronto Public Library branch building in the local area;
 - (b) an expansion and/or necessary repairs to the Perth/Dupont neighbourhood library at 1589 Dupont Street; and/or
 - (c) improvements to Carlton Park.

ENACTED AND PASSED this 29th day of November, A.D. 2012.

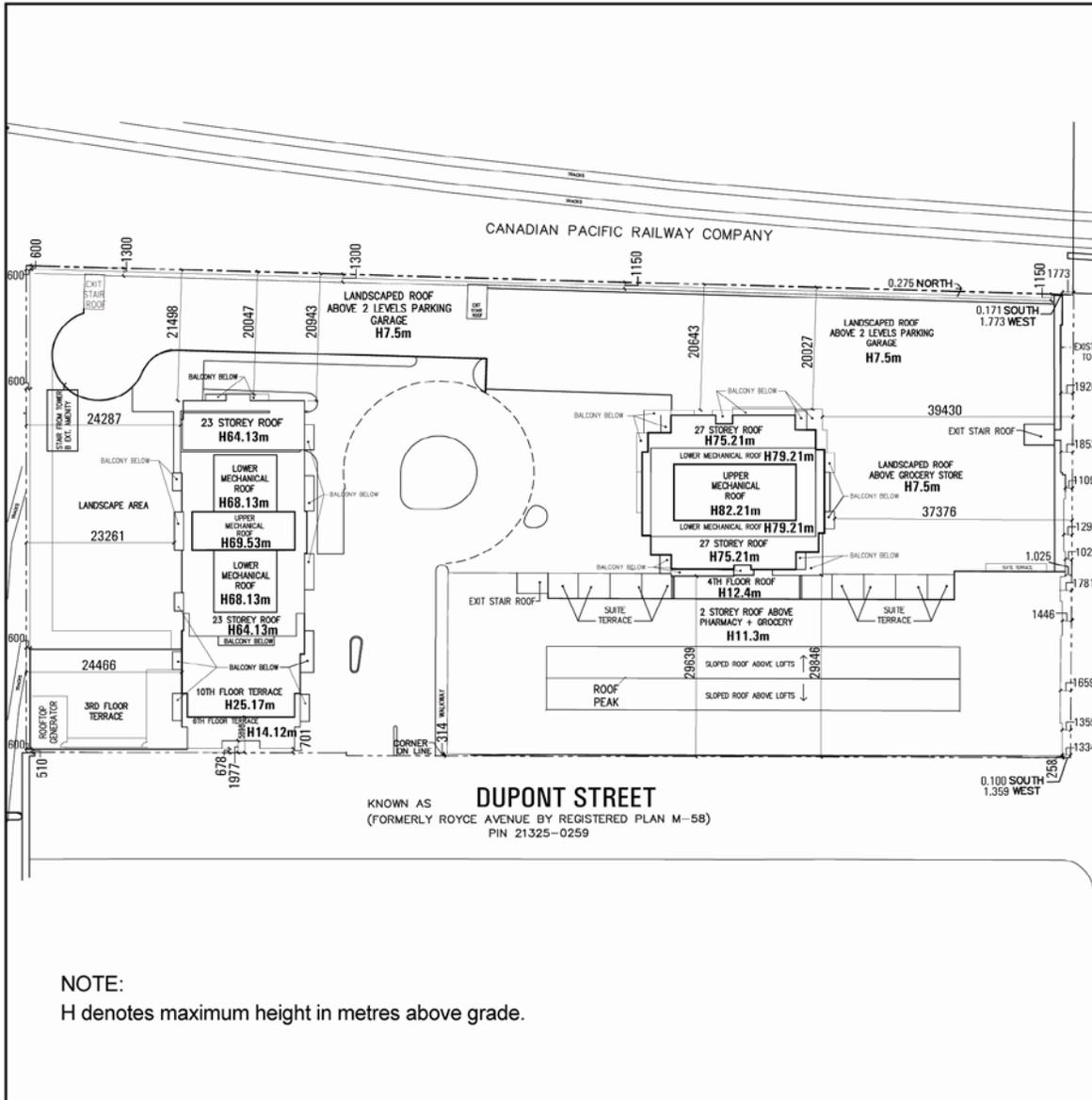
FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



NOTE:
All dimensions are in metres.



NOTE:
H denotes maximum height in metres above grade.