

Authority: Toronto and East York Community Council Item TE4.6, as adopted by City of Toronto Council on June 10, 11 and 12, 2015

CITY OF TORONTO

BY-LAW No. 809-2015

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known in the year 2014 as 11 Lillian Street and 132-142 Soudan Avenue.

Whereas Council of the City of Toronto has the authority pursuant to 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 the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter 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 and 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 of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. None of the provisions of Section 2(1) with respect to the definition of "*height*", "*grade*" and "*lot*" and Sections 4(2)(a), 4(4), 4(12), 4(13), 4(16), 6(3) PART I 1, 6(3) PART II, 6(3) PART III and 12(2) 119 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", shall apply to prevent the erection and use of an *apartment building* on the *lot*, provided that:
 - (a) the *lot* shall consist of the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;

- (b) no portion of any building or structure erected or used above *grade* is located otherwise than wholly within the areas delineated by heavy lines as shown on Map 2 attached to and forming part of this By-law;
- (c) no portion of any building or structure erected or used above *grade* shall exceed the *height* limits in metres specified by the numbers following the letter "H" as shown on Map 2 attached to and forming part of this By-law;
- (d) nothing in Sections 1(b) and 1(c) of this By-law shall prevent the following elements from projecting beyond the heavy lines and above the heights shown on Map 2 provided they are wholly within the *lot*:
 - (i) eaves, canopies, cornices, lighting fixtures, awnings, fences and safety railings, architectural features, parapets, trellises, balustrades, window sills, window washing equipment, privacy screens, mechanical and architectural screens, guardrails, chimneys, vents, stacks, terraces, platforms, transformer vaults, wheelchair ramps, retaining walls, landscape features, ornamental structures, walkways, stairs, covered stairs and or stair enclosures associated with an entrance or exit from an underground parking garage, underground garage ramps and their associated structures, stair landings, planters, and public art features, elevator overruns and elements or structures on the roof of the building used for outside or open air recreation, green roof, safety or wind protection purposes; and
 - (ii) balconies to a maximum horizontal projection of not more than 2.5 metres;
- (e) the *residential gross floor area* of the *apartment building* does not exceed 8,750 square metres and there are not more than 100 *dwelling units*;
- (f) *residential amenity space* will be provided in the following ratios:
 - (i) *residential amenity space* located outdoors - 2.4 square metres per *dwelling unit*.
 - (ii) *residential amenity space* located indoors - 3.0 square metres per *dwelling unit*.
- (g) notwithstanding Section 12(2) 118 (iv) of By-law No. 438-86, as amended, *parking spaces* for the *apartment building* shall be provided and maintained on the *lot* in accordance with the following:
 - (i) a minimum of 0.3 *parking spaces* per bachelor *dwelling unit*;
 - (ii) a minimum of 0.5 *parking spaces* per one bedroom *dwelling unit*;
 - (iii) a minimum of 0.85 *parking spaces* per two bedroom *dwelling unit*;

- (iv) a minimum of 1.0 *parking spaces* per three bedroom *dwelling unit*; and
 - (v) a minimum of 0.1 *parking spaces* per *dwelling unit* for visitors to the building;
 - (h) *bicycle parking spaces* for the apartment building shall be provided and maintained on the *lot* in accordance with the following:
 - (i) a minimum of 0.75 *bicycle parking spaces - occupant* per *dwelling unit*; and
 - (ii) a minimum of 0.15 *bicycle parking spaces - visitor* per *dwelling unit*.
 - (i) a *stacked bicycle parking space* is permitted with the following minimum dimensions:
 - (i) minimum length of 1.8 metres;
 - (ii) minimum width of 0.44 metres; and
 - (iii) minimum vertical clearance of 1.2 metres; and
 - (j) a minimum of 7.8 percent of the area of the *lot* shall be provided as *landscaped open space*.
2. Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the *lot* contemplated herein is permitted in return for the provision by the *owner*, at the *owner's* expense, of the facilities, services and matters set out in Schedule "1" hereof which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the *lot*, to the satisfaction of the City Solicitor.
3. Where Schedule "1" of this By-law requires the *owner* to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
4. The *owner* shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule "1" are satisfied.
5. None of the provisions of By-law No. 438-86, as amended, shall apply to prevent a temporary *sales office* on the *lot* as of the date of the passing of this By-law.
6. For the purpose of this By-law, each word or expression that is italicized in this By-law shall have the same meaning as such word or expression as defined in By-law No. 438-86, as amended, with the exception of the following:

"*height*" means the highest point of the roof above *grade*, except for those elements prescribed by this By-law;

"*grade*" means 164.35 metres Canadian Geodetic Datum;

"*lot*" means those lands delineated by heavy lines on Map 1 attached to and forming part of this Bylaw;

"*owner*" means the owner of the *lot*;

"*sales office*" means a temporary building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*; and

"*stacked bicycle parking space*" shall mean a horizontal bicycle space that is positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both *bicycle parking spaces*.

7. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.
8. Within the lands delineated by heavy lines on Map 1 attached, no persons 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 on July 9, 2015.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

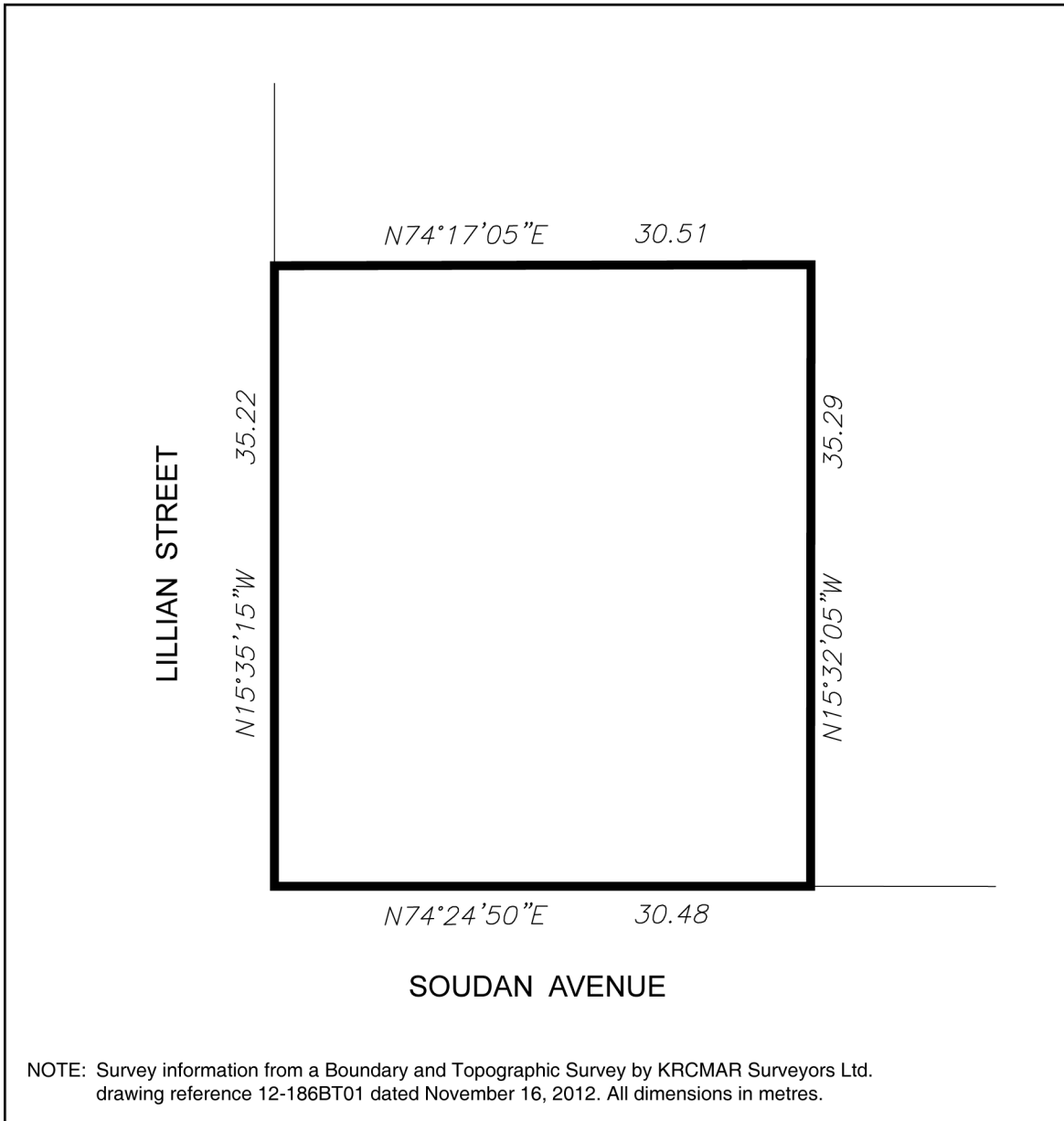
SCHEDULE "1"
Section 37 Provisions

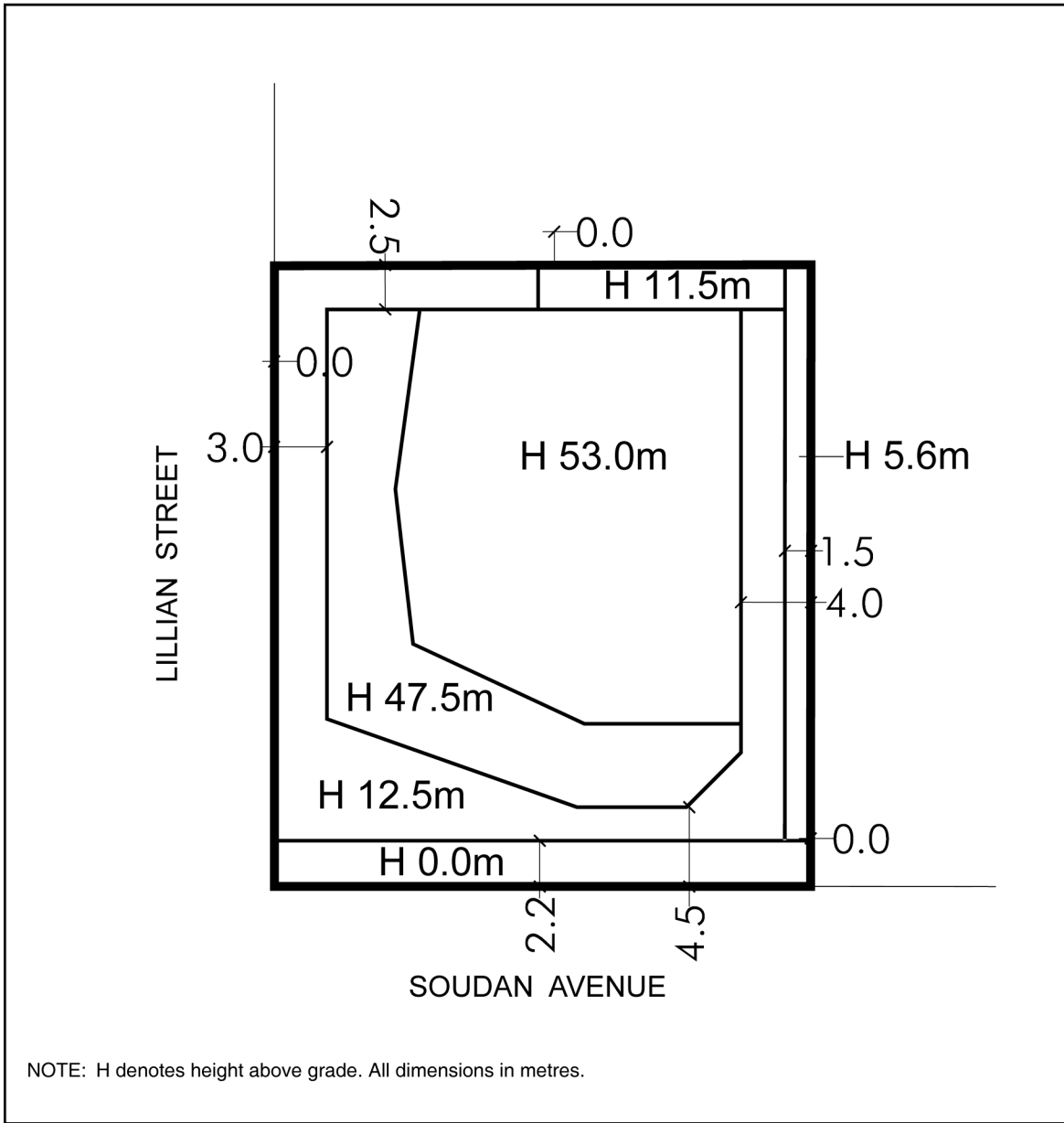
The facilities, services and matters set out below are required to be provided to the City at the *owner's* expense in return for the increase in height and density of the proposed development on the *lot* and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the *owner* agrees as follows:

- (1) Prior to the issuance of the first above-grade building permit for a building on the *lot* the owner shall make a cash contribution to the City in the amount of five hundred thousand dollars (\$500,000.00 CAN) to be allocated at the discretion of the Chief Planner and Executive Director, City Planning Division in consultation with the local Councillor, toward any one or more of the following:
 - a. improvements to Redpath Avenue Parkette;
 - b. the acquisition, design and construction of new parkland to be added to Redpath Avenue Parkette;
 - c. improvements to or development of other local area parks; and
 - d. streetscape improvements in the area;

such amount to be indexed upwardly in accordance with Statistics Canada Non-Residential Construction Price Index for the Toronto calculated from the date of execution of the Section 37 Agreement to the date of payment.

- (2) In the event the cash contribution referred to in Clause (1) of this Schedule has not been used for the intended purposes within three (3) years of this By-law coming into full force and effect, all or part of the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the *lot*.





NOTE: H denotes height above grade. All dimensions in metres.