

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. 810-2015

To amend Zoning By-law No. 569-2013, 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 and 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 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 and matters in return for an 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 aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and/or density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013, 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. The lands subject to this By-law are outlined by heavy black lines as shown on Diagram 1 attached to and forming part of this By-law.
2. For the purpose of this By-law, the words highlighted in **bold** type shall have the meaning provided in Zoning By-law 569-2013, as amended, Chapter 800 Definitions.
3. Except as otherwise provided herein, the regulations of Zoning By-law No. 569-2013 continue to apply to the lands outlined by heavy black lines as shown on Diagram 1 attached to and forming part of this By-law.
4. The Zoning By-law Map of By-law No. 569- 2013, as amended, is further amended by amending the zone label respecting the lands outlined by heavy black lines on the Zoning

By-law Map in Chapter 990, as shown on Diagram 2 attached to and forming part of this By-law, as follows:

Exception R (d0.6)(x21)

5. Zoning By-law No. 569-2013 is amended by adding to Chapter 900.2.10 Exception R21, so that it reads:

Exception R21

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing Bylaws and Prevailing Sections.

Site Specific Provisions:

- (A) None of the regulations of 5.10.40.70; 10.5.40.10; 10.5.40.30; 10.5.40.50; 10.5.40.60; 10.5.40.70; 10.5.40.71; 10.5.50.10; 10.5.80.40; 10.5.100.1(5); 10.10.40.10(1); 10.10.40.30; 10.10.40.40(1); 10.10.40.70; 200.5.10.1; Table 200.5.10.1; 230.5.10.1(4); 230.5.10.1(5); 800.50(75); 800.50(240); 800.50 (420); 900.2.10(914) shall prevent the use of erection of an **apartment building** that complies with the following:
- (i) the **lot** comprises the lands delineated by heavy lines on Diagram 2 of By-law 810-2015;
 - (ii) no portion of any **building** or **structure** erected or used above **established grade** is located otherwise than wholly within the areas delineated by heavy lines as shown on Diagram 3 of By-law 810-2015;
- (B) no portion of any **building** or **structure** erected or used above **established grade** shall exceed the **height** limits above **established grade** in metres specified by the numbers following the symbol "H" as shown on Diagram 3 of By-law 810-2015;
- (C) nothing in Sections A(i) and A(ii) of this By-law shall prevent the following elements from projecting beyond the heavy lines and above the heights shown on Diagram 3 of By-law 810-2015 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;
- (D) the **gross floor area** of the **apartment building** does not exceed 8,350 square metres and there are not more than 100 **dwelling units**;
- (E) **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;
- (F) **amenity space** will be provided in the following ratios:
- (i) **amenity space** located outdoors - 2.4 square metres per **dwelling unit**;
 - (ii) **amenity space** located indoors - 3.0 square metres per **dwelling unit**;
- (G) **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 "long term" **bicycle parking spaces**; and
 - (ii) a minimum of 0.15 "short term" **bicycle parking spaces** per **dwelling unit**;
- (H) the minimum dimension of a **stacked bicycle parking space** shall be:
- (i) minimum length of 1.8 metres;
 - (ii) minimum width of 0.44 metres; and
 - (iii) minimum vertical clearance of 1.2 metres;
- (I) a minimum of 7.8 percent of the area of the **lot** shall be provided as **landscaping**;
- (J) **established grade** is the Canadian Geodetic Datum elevation of 164.35 metres;
- (K) none of the provisions of this By-law shall apply to prevent 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
- (L) 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.

6. Section 37 Provisions

- (A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Schedule A hereof and 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 lands, to the satisfaction of the City Solicitor.
- (B) Where Schedule A 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.
- (C) 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 A are satisfied.

Prevailing By-laws and Prevailing Sections:

- (A) Section 12(2) 118 (i), (ii), and (iii) of former City of Toronto By-law No. 438-86.

Enacted and passed on July 9, 2015.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE A
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 lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

(1) Prior to issuance of an 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 the Statistics Canada Construction Price Index for Toronto, calculated from the date 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**.





