

Authority: Toronto and East York Community Council Item TE10.9, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015

CITY OF TORONTO

BY-LAW No. 123-2016

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 14 Trent 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 such provisions relating to the authorization of increase in height and density of development; and

Whereas an increase in height and density has been requested; 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 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 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; and

Whereas the owner of the aforesaid land has elected to provide the facilities, services and matters, as set out in this By-law; and

Whereas the increases in the density and height 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 and are to be 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. District Map Nos. 54 H-323 and 54H-324 contained in Appendix "A" forming part 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 rezoning to "R2 Z2.0" the lands known municipally in the year 2014 as 14 Trent Avenue as delineated on Map 1 attached to and forming part of this By-law and as shown thereon as R2 Z2.0.
2. None of the provisions of Section 2 with respect to *lot, grade, residential gross floor area, height* and Sections 4(2)(a), 4(4)(b), 4(12), 4(17), 6(1)(a), 6(3) Part I 1, 6(3) Part II

2, 3, 4, 5 and 8, 6(3) Part III 1(b), 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 land 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* delineated by heavy lines on the attached Map 2, provided that:

- (a) the *lot* upon which the proposed building and structure is erected or used comprises at least the lands shown outlined by heavy lines on the attached Map 2;
- (b) the total *residential gross floor area* of buildings and structures shall not exceed 21,200 square metres;
- (c) a maximum of 287 *dwelling units* shall be permitted as follows:
 - (i) a minimum of 12 bachelor bedrooms shall be provided;
 - (ii) a minimum of 159 (1 bedroom units) shall be provided;
 - (iii) a minimum of 98 (2 bedroom units) shall be provided; and
 - (iv) a minimum of 18 (3 bedroom units) shall be provided;
- (d) no portion of a building or structure erected on the *lot* shall have a greater *height* in metres than the *heights* in metres specified by the numbers following the symbol H on the attached Map 2 except that:
 - (i) a mechanical penthouse having a maximum height of 5.0 metres shall be permitted within the area demarcated on Map 2;
 - (ii) cornices, lighting fixtures, window washing equipment, vents, awnings, canopies, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, wheelchair ramps, underground garage ramps and their associated structures, underground garage stair enclosures, fences, retaining walls, terraces, landscape and public art features and safety or wind protection, all of which may project to a maximum of 1.5 metres beyond the heavy lines shown on Map 2 other than *lot* boundary lines;
 - (iii) balconies and balcony piers can project to a maximum of 1.8 metres beyond the heavy lines shown on Map 2 other than the *lot* boundary lines; and
 - (iv) solar panels may project to a maximum of 3.0 metres above the Height following the symbol "(H)" on Map 2;
- (e) a minimum of 15 percent of the area of the lot shall be *landscaped open space*;
- (f) a minimum of 230 *parking spaces* shall be provided and maintained on the *lot*, including a minimum of 187 *parking spaces* for the use of residents and a minimum of 35 *parking spaces* for the use of visitors;

- (g) for each *car-share parking space* provided on the *lot*, the minimum number of required residential *parking spaces* may be reduced by 4 *parking spaces*;
 - (h) the maximum number of *car-share parking spaces* shall be 2;
 - (i) a minimum of 218 *bicycle parking spaces* shall be provided on the *lot*, of which, a minimum of 175 shall be for residents and a minimum of 43 shall be for visitors;
 - (j) one *loading space - type "G"* shall be provided and maintained on the *lot*;
 - (k) a minimum of 350 square metres of indoor *residential amenity space* will be provided on the *lot*; and
 - (l) a minimum of 798 square metres of outdoor *residential amenity space* will be provided on the *lot*.
3. In addition to the permitted uses identified in Section 1, a *sales presentation centre* shall be permitted on the *lot*, and none of the other provisions of this By-law shall apply to such use.
4. For the purposes of this By-law:
- (a) "*car-share*" means the practice where a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization. To use a *car-share* vehicle, a person must meet the membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable. Vehicles are reserved in advance and fees for use are normally based on time and/or charge fees based on kilometres driven;
 - (b) "*car-share parking space*" means a *parking space* exclusively reserved and used only for *car-share* purposes whereby the vehicle is accessible to at least the occupants of the buildings;
 - (c) "*grade*" means 129.65 metres Canadian Geodetic Datum;
 - (d) "*residential gross floor area*" shall have the same meaning as defined by By-law No. 438-86, except that, it shall exclude an above grade *parking garage*; and
 - (e) each 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, unless otherwise defined in this By-law.
5. 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 Map 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.
6. Notwithstanding any 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 had occurred.
7. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the lot as well as the buildings and structures on the lot.
8. 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:
- (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 February 4, 2016.

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 on Map 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:

- (a) Prior to the issuance of above grade permits provide a cash contribution of \$400,000 which is to be used for the following:
 - (i) \$300,000 for park improvements in the area near Trent Avenue, Kelvin Avenue and Luttrell Avenue;
 - (ii) \$100,000 towards public realm improvements at Main Square Community Recreation Centre and in the vicinity of the intersection of Main Street and Danforth Avenue; and
 - (iii) In the event the cash contributions referred to in Section (i) and (ii) above have not been used for the intended purpose within five years of this By-law coming into full force and effect, the cash contribution may be redirected for other public realm improvements in the vicinity of the development, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the Ward Councillor;
- (b) Pay for and construct the improvements to the existing municipal infrastructure required to service the Owner's Lands, as determined by and to the satisfaction of the Executive Director, Engineering & Construction Services.



