

Authority: Ontario Municipal Board Decision/Order issued November 12, 2015 and amending Decision/Order issued February 18, 2016 in Board File PL131341

CITY OF TORONTO

BY-LAW 410-2017(OMB)

To amend former City of Toronto Zoning By-law 438-86, as amended, and former City of Toronto By-law 22621, with respect to the lands known municipally as 51-77 Quebec Avenue and 40-66 High Park Avenue.

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/or density of development beyond that otherwise permitted by the zoning 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 increases in the density and heights permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the *owner* of such land and the City of Toronto (the "*City*"); and

Whereas the Ontario Municipal Board, by way of Decision/Order PL131341 issued on July 20, 2015, following an appeal pursuant to Section 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, determined to amend the former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands known municipally in the year 2015 as 51-77 Quebec Avenue and 40-66 High Park Avenue;

Former City of Toronto Zoning By-law 438-86, as amended, and former City of Toronto By-law 22621 is further amended by the Ontario Municipal Board as follows:

1. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development permitted in this By-law on the *lot* 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 2 and in Appendix 1 of this By-law.
2. 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, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.

3. None of the provisions of Zoning By-law 22621 being a By-law "to amend By-law No. 20623 respecting 22 to 68 High Park Avenue and 43 to 103 Quebec Avenue" or Section 2 with respect to the definitions of *grade*, *height* and *lot* and Sections 4(2)(a); 4(4); 4(6); 4(12); 4(13); 4(17); 6(3) PART I 1; 6(3) PART II 1, 4 and 5; and 6(3) PART III of Zoning By-law 438-86, as amended, of the former City of Toronto 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 or use of *apartment buildings* on the *lot*, provided that:
- a. the *lot* comprises the lands delineated by heavy lines on Map 1 attached;
 - 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 on Map 2 attached;
 - c. no portion of any building or structure erected or used above *grade* shall exceed the height limits above *grade* in metres specified by the numbers following the symbol H as shown on Map 2;
 - d. nothing in Sections 3b. and 3c. of this By-law shall prevent the following elements from projecting beyond the heavy lines and above the heights shown on Map 2:
 - i. Eaves, 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;
 - ii. A mechanical penthouse to a maximum vertical projection of not more than 6.0 metres above the *height* limits shown on Map 2;
 - iii. Balconies to a maximum horizontal projection of not more than 2.0 metres; and
 - iv. Canopies to a maximum horizontal projection of not more than 2.5 metres;

-
- e. the total combined *residential gross floor area* of all *apartment buildings* on the *lot* shall not exceed 84,900 square metres;
 - f. the total combined *residential gross floor area* for *Building A* and *Building B* shall not exceed 39,300 square metres;
 - g. a total of 393 parking spaces shall be provided for the existing apartment buildings located on the lot as of December 11, 2012, of which 349 *parking spaces* shall be provided for residents of the existing apartment buildings and 44 *parking spaces* shall be provided for the visitors to the existing apartment buildings. Further, *parking spaces* for *Building A* and *Building B* shall be provided in accordance with the following ratios:
 - Resident's Parking
 - 0.6 *parking space* for each studio *dwelling unit*;
 - 0.7 *parking space* for each one-bedroom *dwelling unit*;
 - 0.9 *parking space* for each two bedroom *dwelling unit*; and
 - 1.0 *parking spaces* for each three bedroom *dwelling unit*;
 - Visitor's Parking
 - 0.1 *parking space* for every *dwelling unit* contained therein;
 - h. notwithstanding subsection g. above, a reduction of four resident *parking spaces* shall be permitted for each *car-share parking space* provided and maintained on the lot, up to a maximum of five (5) *car-share parking spaces*, and a maximum reduction of twenty (20) resident *parking spaces*, subject to the following:
 - i. The resident *parking space* reduction would only apply to the parking requirements for *Building A* and *Building B*; and
 - ii. The *owner* entering into an agreement with a recognized car-share operator to provide such *car-share parking spaces* for a minimum period of two (2) years;
 - i. the minimum dimensions prescribed in Section 4(17) of By-law 438-86, as amended, with respect to the definition of a *parking space*, shall apply only to the parking spaces constructed on the *lot* following the passing of this By-law;
 - j. *bicycle parking-occupant* and *bicycle parking-visitor* shall be provided for *Building A* and *Building B* as follows:
 - i. *Bicycle parking-occupant* – 0.9 spaces per dwelling unit;
 - ii. *Bicycle parking-visitor* – 0.1 spaces per dwelling unit; and

-
- iii. *Bicycle parking spaces* may be provided as a vertical, horizontal and *stacked bicycle parking space*, and may have a minimum width of 0.3 metres;
 - k. a minimum of 120 *bicycle parking-occupant* shall be provided for the existing buildings on the *lot*;
 - l. a minimum of 45 percent of the area of the *lot* shall be provided as *landscaped open space*;
 - m. *residential amenity space* shall be provided on the *lot* as follows:
 - i. A minimum of 1.2 square metres of indoor *residential amenity space* per *dwelling unit* in each of the existing buildings and per *dwelling unit* in *Building A* and *Building B*; and
 - ii. A minimum of 2.0 square metres of outdoor *residential amenity space* per *dwelling unit* in each of the existing buildings and per *dwelling unit* in *Building A* and *Building B*; and
 - n. a minimum of two *loading space – type G* are provided and maintained on the *lot* for the shared use of all buildings on the *lot*.
4. None of the provisions of By-law 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.
 5. 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. Definitions

For the purpose of this By-law, the terms set forth in italics shall have the same meaning as such terms have for the purposes of By-law 438-86, as amended, except that the following definitions shall apply:

- a. "*temporary 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*;
- b. "*height*" means the highest point of the roof slab of the top habitable floor above *grade*;
- c. "*grade*" means 114.0 metres Canadian Geodetic Datum;
- d. "*lot*" means those lands identified on Map 1 attached to this By-law;

- e. *"Building A" and "Building B"* means those buildings identified on Map 2 attached to this By-law;
- f. *"stacked bicycle parking space"* means a horizontal *bicycle parking 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*;
- g. *"building permit"* means a permit issued under the *Building Code Act, 1992*, S.O. 1992, c. 23 as amended or re-enacted from time to time, but it does not include any permit issued to construct a temporary *sales office* or a portion thereof or any permit required for the demolition, repair, maintenance, renovation or improvement of the building existing on the *lot* on the date of enactment of this By-law;
- h. *"car-share"* means the practice whereby 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 and such car-share motor vehicles are made available to at least the occupants of the building for the short term rental, including hourly rental; and
- i. *"car-share parking space"* shall mean a parking space exclusively reserved and signed for a car used only for car-share purposes.

Ontario Municipal Board Decision/Order issued on November 12, 2015 and amending Decision/Order issued on February 18, 2016 in Board File PL131341

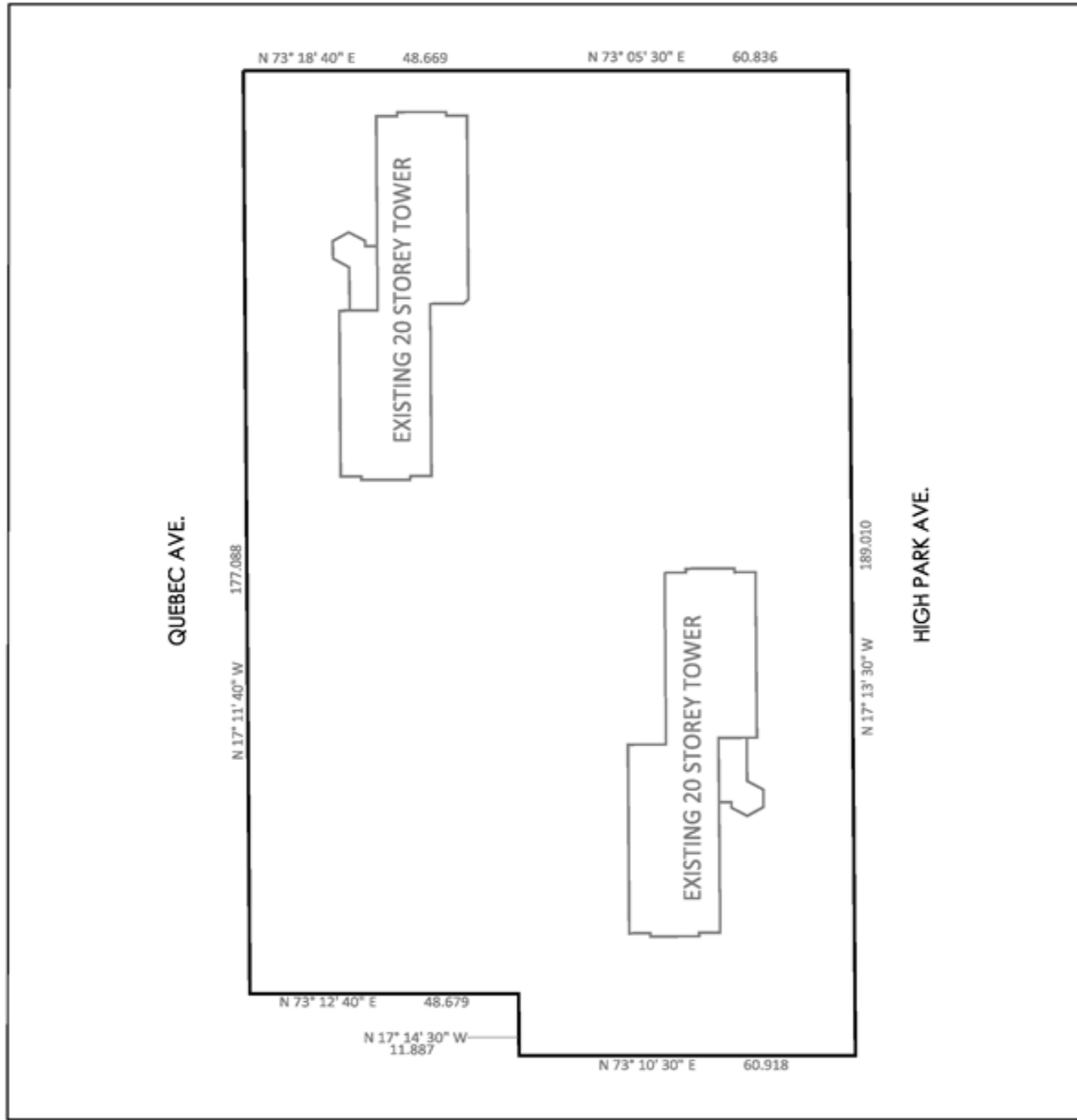
APPENDIX 1
Section 37 Provisions

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 indexing escalation of both the financial contributions, and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

1. Prior to the issuance of any *above-grade building permit* for *Building A* and *Building B*, the owner shall pay to the City the sum of One Million Dollars (\$1,000,000) by certified cheque(s), to be used by the City towards capital improvement to the satisfaction of the Chief Planner and Executive Director, City Planning (the "Chief Planner") as follows:
 - a. the provision of \$150,000 to the City for streetscape improvements in the vicinity of Bloor/High Park/Quebec streets at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor; and
 - b. the provision of \$850,000 to the City for local community improvements at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.

2. In addition to the above, the preservation of existing rental housing on the subject lands for a minimum of twenty (20) years and the related improvements to the existing rental buildings would be secured in the Section 37 agreement together with the requirements identified by the TTC and the Toronto District School Board. The owner shall provide the following improvements:
 - a. the provision of new outdoor amenity areas and landscaped open space at the interior of the site including a BBQ area, sitting and lounge area and terrace (adjacent to the two new amenity buildings), and the provision of outdoor furnishings including benches, tables and equipment necessary to support the intended uses;
 - b. the provision of not less than 1.2 square metres per unit of new indoor amenity space with shared access for residents of the existing rental building and new buildings including the following:
 - i. A two-storey amenity building at the interior of the block of not less than 1,000 square metres with a direct indoor underground connection to the existing rental building that includes an exercise room of not less than 400 square metres and additional indoor amenity space adjacent to active outdoor amenity space;
 - ii. The relocation of the existing outdoor pool within the new two- storey amenity building with change rooms;

- iii. An additional purpose-built indoor amenity pavilion building of not less than 275 square metres containing all finishing, fixtures and equipment necessary to serve a variety of uses within the indoor amenity pavilion building including, but not limited to, a kitchenette, movable tables and chairs, and storage cabinets; and
 - iv. Shared and equal access to all indoor amenity space to all owners and tenants of the site save and except for:
 - A. a maximum of 43 square metres of indoor amenity space to be provided in the new building on High Park Avenue; and
 - B. a maximum of 39 square metres of indoor amenity space to be provided in the new building on Quebec Avenue building;
 - c. at-grade connections from the rear of the existing rental buildings substantially in accordance with the Landscape Plan dated August 22, 2014, including paved pathways and related soft landscaping to allow for ease of access and egress to the interior of the block;
 - d. upgrades to the existing laundry rooms at 77 Quebec Avenue and 40 High Park Avenue including new paint, new lighting, seating, tables and ventilation systems; and
 - e. creation of a bicycle storage room for the existing 120 bicycle parking spaces located within the underground parking garage.
3. The owner agrees to submit a development phasing plan to the Chief Planner that identifies timing and completion of the improvements set out in Section 2 above prior to the issuance of site plan approval for the development to the satisfaction of the Chief Planner.



Map 1

File #14



Not to Scale

