

Authority: Toronto and East York Community Council
Item TE21.5, as adopted by City of Toronto Council on
December 16, 17 and 18, 2020

CITY OF TORONTO

BY- LAW 817-2021

To amend the City of Toronto By-law 569-2013, as amended, with respect to lands municipally known in the year 2020 as 145, 147 and 155 Balmoral 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 density permitted beyond that otherwise permitted on the aforesaid lands by By-law 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 as follows:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law;
2. The words highlighted in bold type in this by-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions;
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by the heavy lines to R(106), as shown on Diagram 2 attached to this By-law;

4. Zoning By-law 569-2013, as amended, is further amended by removing Article 900.2.10(814) applying to the lands and adding Article 900.2.10 Exception Number 106 so that it reads:

Exception R(106)

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

Site Specific Provisions:

- (A) On 145, 147 and 155 Balmoral Avenue, if the requirements in Section 6 and Schedule A of By-law 817-2021 are complied with, a **building** that includes a **hospice care home, nursing home, residential care home or retirement home** may be constructed, used or enlarged in compliance with (B) to (M);
- (B) In addition to the uses permitted by regulation 10.10.20.10, the following uses shall also be permitted within the area delineated by heavy lines shown on Diagram 2 of By-law 817-2021:
- (i) **Hospice Care Home;**
 - (ii) **Nursing Home;**
 - (iii) **Residential Care Home;**
 - (iv) **Retirement Home;** and
 - (v) Office, provided it is **ancillary** to a permitted use in (B)(i), (ii) and/or (iii) above;
- (C) Despite regulation 10.10.40.40(1), the permitted maximum **gross floor area** of a **hospice care home, nursing home, residential care home** and/or **retirement home** and its **ancillary** uses is 13,750 square metres;
- (D) Despite regulations 5.10.40.70(1) and 10.5.40.70(1) and 10.10.40.70 the required minimum **building setbacks** above grade are as shown on Diagram 3 of By-law 817-2021;
- (E) Despite clause 10.5.40.50, 10.5.40.60 and (D) above, the following are permitted to encroach into the required **building setbacks** shown on Diagram 3 of By-law 817-2021:
- (i) awnings, balconies, canopies, decks, decorative cornices, decorative pilasters, exterior stairs, landscape elements, porches, terraces, vents, wheelchair ramps and window projections, all of which may encroach to a maximum of 2.5 metres;

- (F) Despite regulation 10.5.40.10(1), the height of a **building** is the distance between the Canadian Geodetic Datum elevation of 150.1 metres in the year 2020 and the highest point of a **building** or **structure**;
- (G) Despite regulation 10.10.40.10(1) and (2) the maximum height of any part of a **building** or **structure** is the numerical value, in metres, following the letters "HT" shown on Diagram 3 of By-law 817-2021;
- (H) Despite regulations 10.5.40.10(2), (3) and (4), 10.10.40.10(8) and (9) and (G) above, the following **building** elements and **structures** may exceed the permitted maximum **building** height:
- (i) stairs and stair enclosures, elevator, heating, cooling or ventilating equipment or any other mechanical penthouse elements, or a fence, wall or structure enclosing such elements, all of which may project up to a maximum of 6.5 metres; and
 - (ii) bollards, fencing, decorative wind or privacy screens, decorative parapet and cladding elements, railings or guards, window projections, terraces, vents, stacks, pipes, structures located on the roof for outside or open air recreation, safety and wind protection purposes, all of which may project up to a maximum of 3.5 metres;
- (I) Despite (G) and (H) above, no portion of a **building** or **structure** may be located within the shaded area shown on Diagram 3 of By-law 817-2021 from finished ground to a vertical height of 4.5 metres;
- (J) Despite regulation 10.10.40.30(1) the maximum building depth shall be 32 metres;
- (K) Despite regulation 10.5.50.10(4)(B), a minimum of 16 percent of the **landscaping** area required in 10.5.50.10(4)(A) must be **soft landscaping**;
- (L) Regulation 10.5.50.10(5), regarding **soft landscaping** along **lot lines**, does not apply;
- (M) Despite clause 200.5.10.1, **parking spaces** must be provided on the **lot** at a minimum rate of 0.17 **parking spaces** for each **bed-sitting room** and/or **dwelling unit**, and may be provided as **stacked parking spaces**;
- (N) Despite clause 200.5.1.10, a parking stacker structure is permitted within 0.3 metres of each side of the **stacked parking space**;
- (O) Despite clause 200.5.1.10(2), a **stacked parking space** must have the following minimum dimensions:
- (i) length of 5.2 metres;

- (ii) width of 2.3 metres; and
- (iii) vertical clearance of 1.5 metres;
- (P) Despite Regulation 230.5.10.1(1), **bicycle parking spaces** must be provided and maintained as follows:
 - (i) a minimum of 0.2 **long-term bicycle parking spaces** for each **bed-sitting room** and/or **dwelling unit**; and
 - (ii) a minimum of 0.03 **short-term bicycle parking spaces** for each **bed-sitting room** and/or **dwelling unit**;
- (Q) Despite Regulations 230.5.1.10(4) and (5), the minimum dimensions of a stacked **bicycle parking space** is:
 - (i) minimum length of 1.8 metres; and
 - (ii) minimum width of 0.46 metres;
- (R) Despite Regulation 220.5.10, a minimum of one (1) Type "G" and one (1) Type "C" **loading space** is required;
- (S) Regulation 10.5.100.1(5) with regards to unobstructed **vehicle** access between the **street** and principal pedestrian entrance to the **building**, does not apply;
- (T) Regulation 200.15.1(4) with regards to location of accessible **parking spaces** does not apply; and
- (U) Despite Regulation 220.5.1.10(8) an operable gate is not considered to be an obstruction when located adjacent to or within a Type 'G' loading space.

Prevailing By-laws and Prevailing Sections (None Apply)

- 5. Despite any existing or future severance, partition or division of lands, the provisions of this By-law apply to whole of the lands 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 Diagram 2 of By-law 817-2021 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;

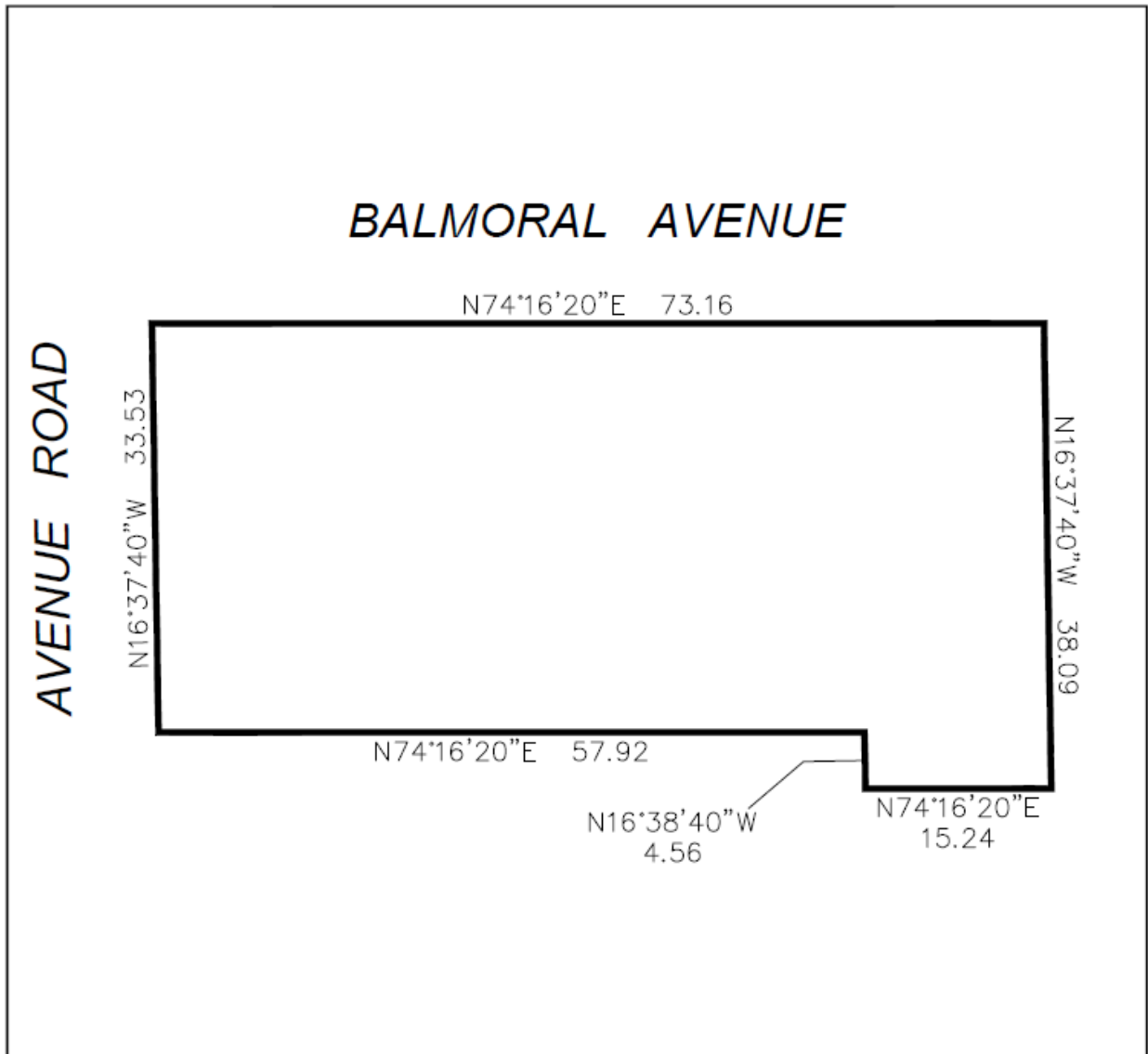
- (B) Where Schedule A of By-law 817-2021 requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to By-law 817-2021 unless all provisions of Schedule A are satisfied.

Enacted and passed on October 4, 2021.

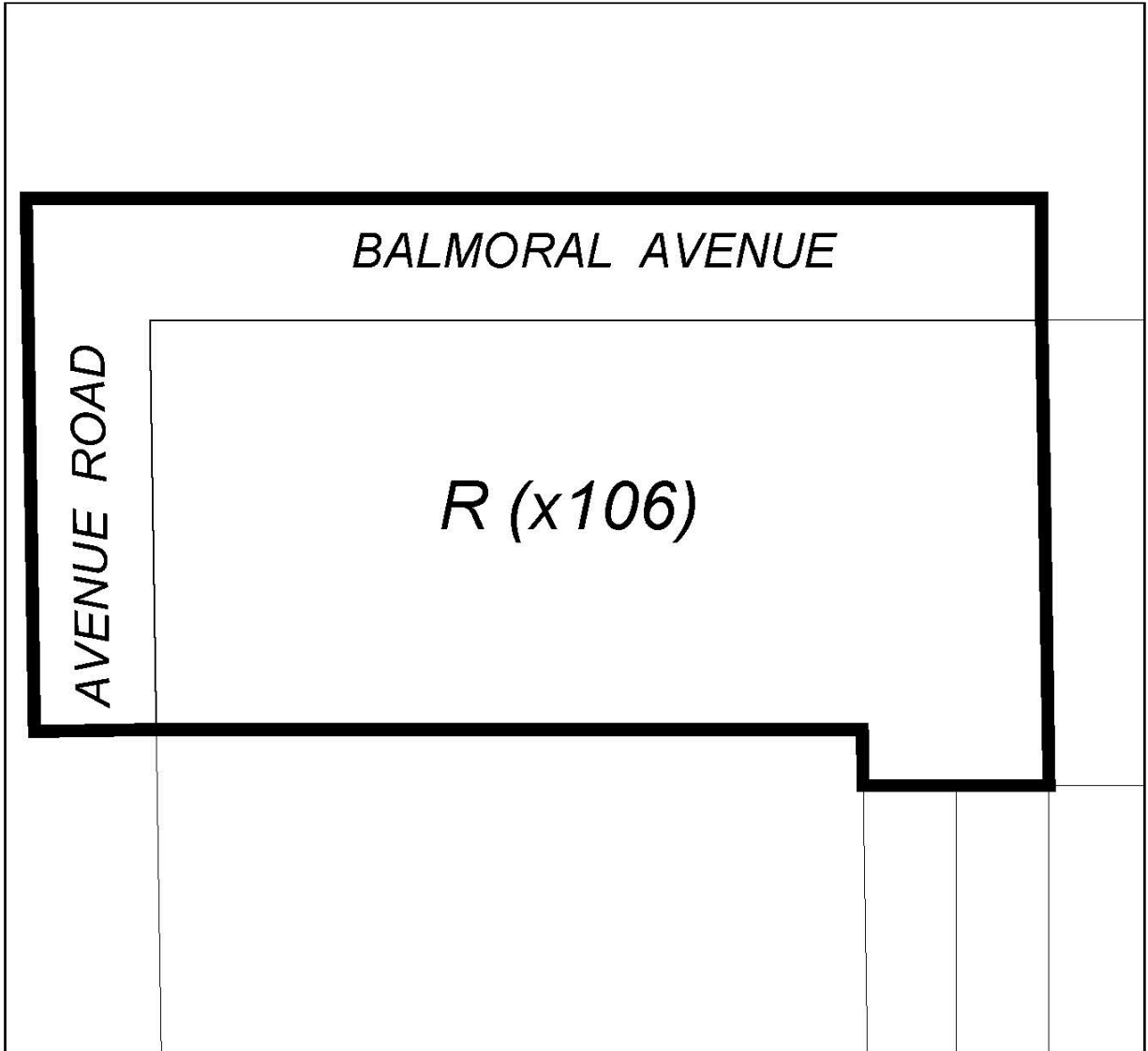
Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

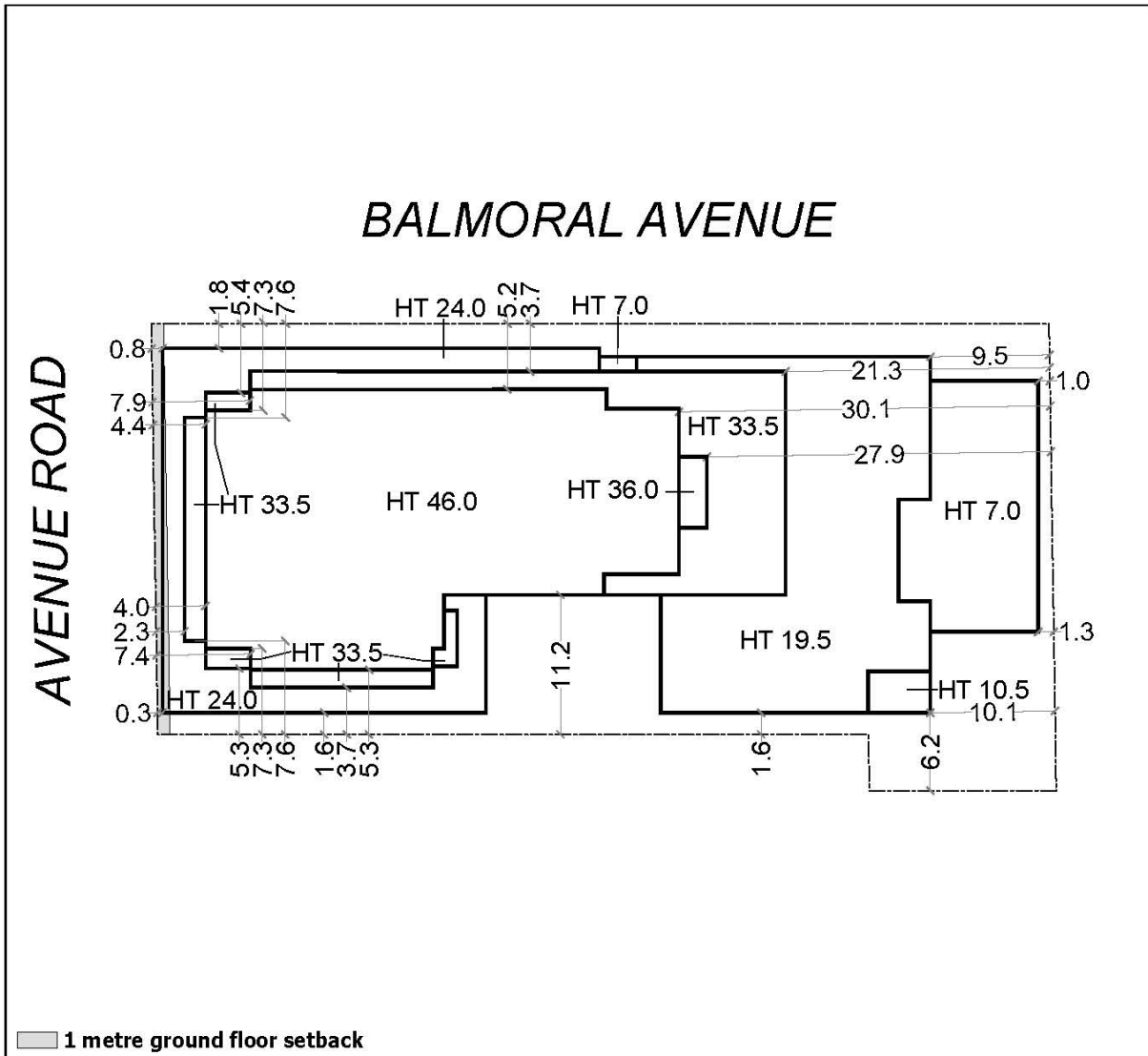
(Seal of the City)



Not to Scale



Not to Scale



Not to Scale

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 lot and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

- (A) a financial contribution in the amount of \$2,200,000.00 payable to the City prior to issuance of the first above-grade building permit, with such amount to be indexed upwardly in accordance with Statistics Canada Non-Residential Building Construction Price Index for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of the execution of the Section 37 Agreement, or any other necessary agreement, to the date of payment. The funds shall be directed as follows:
 - (i) \$2,000,000.00 towards one or more the following: capital improvements for new or existing Toronto Community Housing and/or affordable housing in Ward Toronto-St. Paul's; capital improvements for new or existing cultural and/or community space in Ward Toronto-St. Paul's; local area park or streetscape improvements in Ward Toronto-St. Paul's; and
 - (ii) \$200,000.00 towards public art, in accordance with the City of Toronto Public Art Program.