

Authority: Scarborough Community Council Item SC30.2,
as adopted by City of Toronto Council on March 9, 2022

CITY OF TORONTO

BY-LAW 251-2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 197, 199 and 201 Galloway Road and 4097 Lawrence Avenue East.

Whereas authority is given to Council by 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 authority is given to Council by Section 34 and Section 36 of the Planning Act, as amended, to impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of Holding (H) symbol with conditions in the zoning by-law; 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:

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 Bylaw 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 in heavy black lines to (H) CR 1.5 (c0.0; r1.5) SS3 (x463), as shown on Diagram 3 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands municipally known in the year 2021 as 197, 199 and 201 Galloway Road and 4097 Lawrence Avenue, to the Policy Area Overlay Map in Section 995.10.1, and applying the following Policy Overlay label to these lands: PA4, as shown on Diagram 2 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 463 so that it reads:

Exception CR 463

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 197, 199 and 201 Galloway Road and 4097 Lawrence Avenue East, if the requirements of Section 8 and Schedule A of By-law 251-2022 are complied with, an **apartment building** may be constructed and used in compliance with (B) to (P) below;
- (B) Despite Regulation 40.10.30.40(1)(A), the permitted maximum **lot coverage** is 52 percent;
- (C) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** must not exceed 16,350 square metres;
- (D) The permitted maximum number of **dwelling units** is 230, of which:
 - (i) a minimum of 10 percent must contain three or more bedrooms; and
 - (ii) a minimum of 20 percent must contain two bedrooms;
- (E) Despite Regulation 40.10.40.50(1), **amenity space** must be provided at a minimum rate of 4.2 square metres for each **dwelling unit**, of which:
 - (i) a minimum of 2.7 square metres per **dwelling unit** is indoor **amenity space**; and

- (ii) a minimum of 1.5 square metres per **dwelling unit** is outdoor **amenity space**;

- (F) Despite Regulation 40.10.40.10 (5), the required minimum height of the first **storey** is 3.5 metres, measured between the top of the finished floor of the first **storey** to the top of finished floor of the second **storey**;

- (G) Despite Regulation 40.10.40.70(4)(B), the floor level on the first **storey** may be located a maximum of 1.5 metres above the average elevation of the ground directly in front of the **dwelling unit**, along the **lot line** abutting a **street**;

- (H) Despite Regulations 40.5.40.10(1) and 40.5.40.10(2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 133.55 metres and the highest point of the **building** or **structure**;

- (I) Despite Regulation 40.10.40.10(3) and 40.10.40.10(7) the permitted maximum height of a **building** is the number following the symbol "HT", and the permitted maximum number of **storeys** is the number following the letters "ST" as shown on Diagram 4 of By-law 251-2022;

- (J) Despite Regulation 40.5.40.10(4) and (I) above, equipment and **structures** located on the roof of a **building** may exceed the permitted maximum height as shown on Diagram 4 of the By-law 251-2022 to a maximum of 3.0 metres, or 4.0 metres in the case of elevator overrun and elevator associated equipment and **structures**;

- (K) Despite Regulations 40.10.40.70(3) and 40.10.40.70(4), the required minimum **building setbacks** are as shown in metres on Diagram 4 of By-law 251-2022;

- (L) Despite Regulation 40.10.40.60(1) and (K) above, a platform, balcony or terrace attached to the **main wall** of a **building** may encroach into the required minimum **building setbacks** shown in metres on Diagram 4 of By-law 251-2022, as follows:
 - (i) on the same floor level of the first **storey**, up to 1.1 metres into the required minimum **building setback** to a **lot line** adjacent to Lawrence Avenue East, and may be located between the **building** and the **lot line** adjacent to Lawrence Avenue East;

 - (ii) on the fourth **storey**, up to 3.0 metres;

 - (iii) with a floor level higher than the fourth **storey**, up to 1.9 metres;
 - (a) with a floor level higher than the fourth **storey**, or a portion thereof, that encroaches into a required minimum **building setback** to a **lot line** adjacent to a **street**, may have up to a maximum width of 13.5 metres, and must have a minimum

horizontal separation distance of 1.5 metres from each adjacent platform, balcony or terrace on the same **storey**; and

- (b) despite (L)(iii)(a) above, on each **storey** above the fourth **storey**, a maximum of one platform, balcony or terrace or portion thereof that encroaches into a required minimum **building setback** to a **lot line** adjacent to a **street**, may have up to a maximum width of 15.0 metres;
 - (c) despite (L)(iii)(a) above and in addition to (L)(iii)(b) above, on each **storey** above the fourth **storey**, a maximum of one platform, balcony or terrace that encroaches into required minimum building setbacks to **lot lines** adjacent to two **streets**, may have up to a maximum combined width of 25.5 metres;
- (M) Despite Regulation 40.10.40.80(2)(A), the required minimum above-ground distance between two **main walls** with windows is 5.9 metres;
- (N) Despite Regulation 40.10.50.10 (3), the required minimum 1.5 metre wide strip of **soft landscaping**, may include an air ventilation shaft, transformer and a gas meter;
- (O) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, required minimum **parking spaces** for **dwelling units** must be provided and maintained on the **lot** in accordance with the following:
- (i) 0.7 **parking spaces** for each bachelor **dwelling unit**;
 - (ii) 0.8 **parking spaces** for each one bedroom **dwelling unit**;
 - (iii) 0.9 **parking spaces** for each two bedroom **dwelling unit**;
 - (iv) 1.1 **parking spaces** for each three bedroom **dwelling unit**;
 - (v) 0.15 **parking spaces** for visitor **parking spaces** for each **dwelling unit**;
- (P) Despite Regulation 200.15.1(4), an accessible **parking space** must be located no more than 11.0 metres, unobstructed by walls and parking curb stops, from the nearest door of a vestibule or lobby which leads to a barrier-free passenger elevator that provides access to the first **storey** of the **building**;

Prevailing By-laws and Prevailing Sections: (None Apply).

6. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.

7. Holding Provisions:

Prior to the lifting of the (H) holding in whole or in part, the following applies:

- (A) The lands zoned with the "(H)" symbol delineated by heavy lines on Diagram 3 attached to and forming part of this By-law shall not be used for any purpose other than the uses and buildings as existed on the site as of the date of the passing of this by-law until the "(H)" symbol has been removed.
- (B) An amending by-law to remove the Holding provision in (A) above, in whole or in part, shall be enacted by City Council when the following condition(s) has been fulfilled to the satisfaction of Council:

Appropriate flow monitoring and downstream sanitary analysis is completed to the satisfaction the Chief Engineer and Executive Director of Engineering and Construction Services, and appropriate agreement(s) are entered into with the City to secure the design and construction of any required improvements to the municipal infrastructure resulting from the analysis, which may include obtaining MOECP Environmental Compliance Approval and upgrading the existing municipal infrastructure off site.

8. 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/or 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; and
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on April 7, 2022.

Frances Nunziata
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided by 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:

Community Benefits:

- A. Prior to the issuance of the first above-grade building permit, the owner shall pay to the City a cash contribution of six hundred and sixty-five thousand (\$665,000.00) dollars towards playground/park amenities for St. Margaret's Parkette located at 4138 Lawrence Avenue East;
- B. The cash contribution referenced in this Schedule shall to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the execution of the Section 37 Agreement to the date of payment; and
- C. In the event the cash contribution referred to in this Schedule has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, 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 Ward Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

Matters Required to Support the Development:

- D. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017, through the adoption of Item PG23.9 of the Planning and Growth Management Committee, and as may be further amended by City Council from time to time.



 **TORONTO**
Diagram 1

**4097 Lawrence Avenue East
and 197-201 Galloway Road**

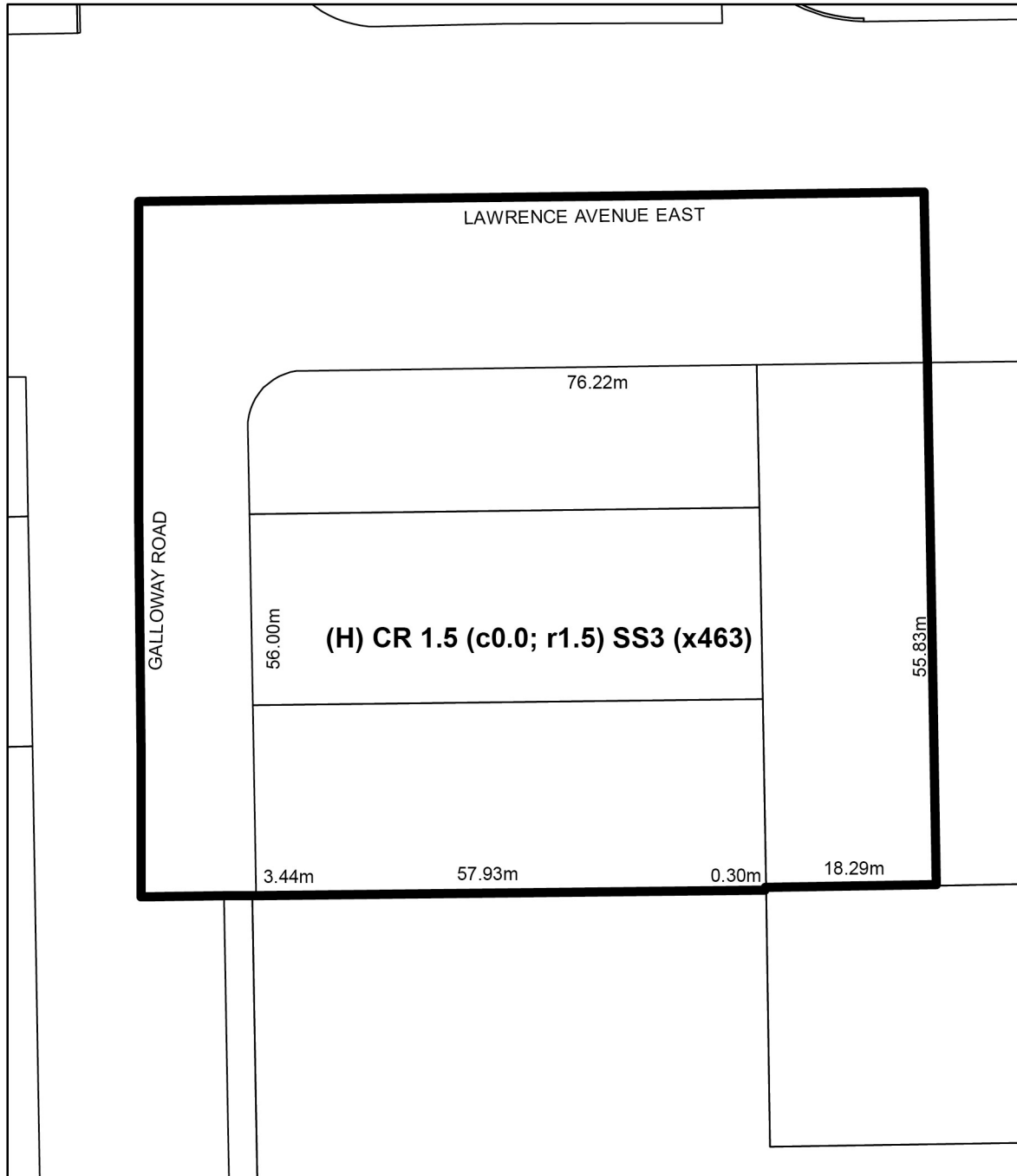
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 **TORONTO**
Diagram 2

**4097 Lawrence Avenue East
and 197-201 Galloway Road**

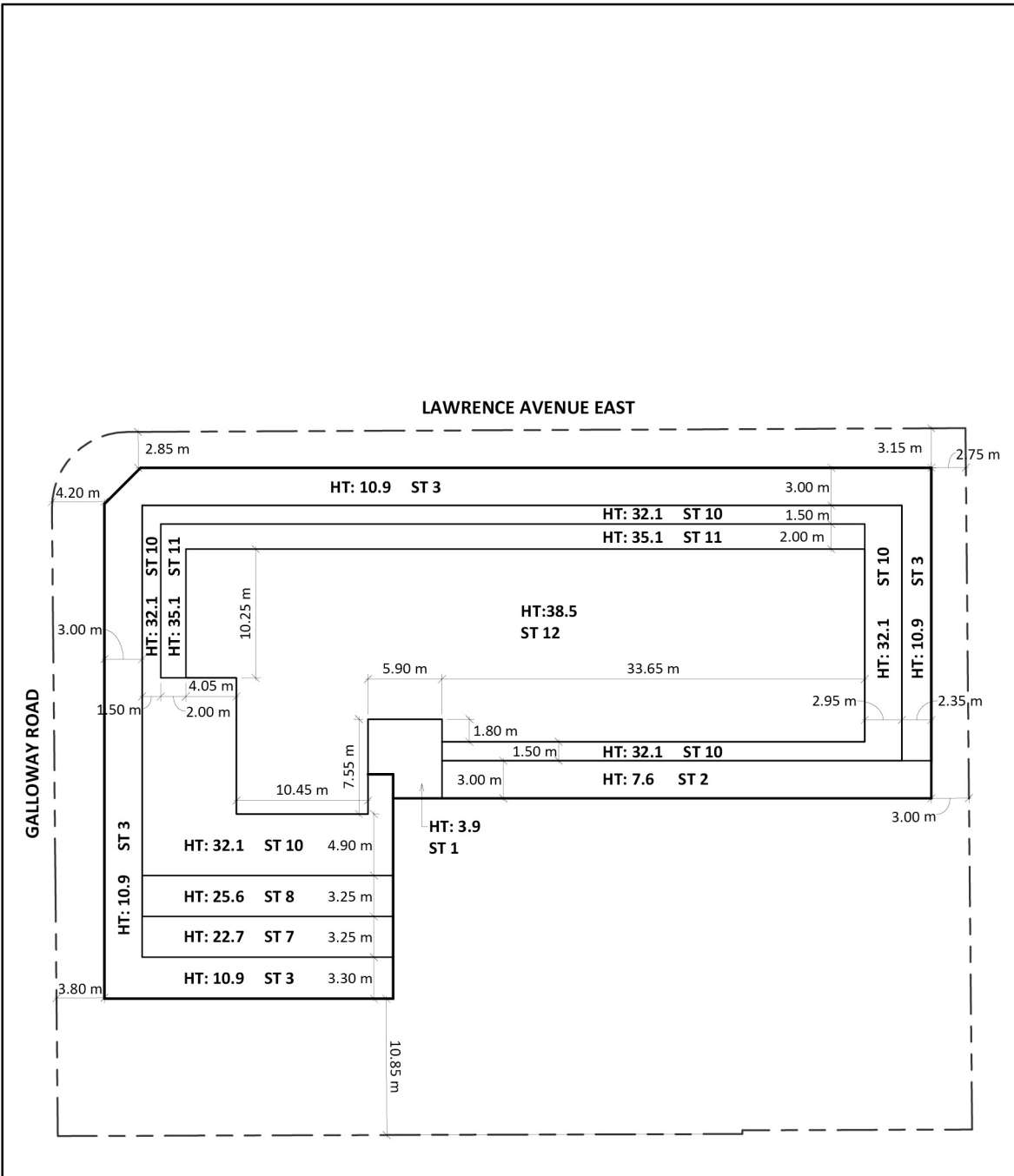
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 **TORONTO**
Diagram 3

**4097 Lawrence Avenue East
and 197-201 Galloway Road**

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4097 Lawrence Avenue East and 197-201 Galloway Road

File # 19 263719 ESC 24 02