

Authority: Toronto East York Community Council Report No. 8, Clause No. 3,
as adopted by City of Toronto Council on September 22, 23, 24 and 25, 2003
Enacted by Council: September 24, 2003

CITY OF TORONTO

BY-LAW No. 916-2003

To amend the General Zoning By-law No. 438-86, as amended, of the former City of Toronto with respect to the lands known as 233 Carlaw Avenue.

WHEREAS the owner of the lands municipally known in 2003 as 233 Carlaw Avenue has made an application to the City of Toronto for a Zoning By-law Amendment; and

WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, regarding the proposed Zoning By-law Amendment; and

WHEREAS the Council of the City has the power under subsection 37(1) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, whereby the Council of the City may, in a by-law enacted under Section 34 of the *Planning Act*, authorize increases in the density and height of development otherwise permitted by the by-law in return for the provision of such facilities, services and matters as are set out in the By-law; and

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

WHEREAS subsection 37(2) of the *Planning Act* requires that a by-law under subsection 37(1) may not be enacted unless the Municipality has an Official Plan that contains provisions relating to the authorization of increase in height and density of development; and

WHEREAS the Official Plan for the former City of Toronto, contains such provisions relating to the authorization of increases in height and density of development; 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 density or height of development, the municipality, or the OMB on appeal, may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

WHEREAS the owners of the lands have elected to provide the facilities, services and matters hereinafter set out; and

WHEREAS the increases in the density or height permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 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 are to be secured by one or more agreements between the owner of such land and the City of Toronto; and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increase in height and density in connection with the aforesaid lands as permitted in this By-law; and

WHEREAS the Council of the City of Toronto, determined to amend the Zoning By-law No. 438-86, as amended, for the former City of Toronto;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Site Specific By-law No. 247-1999 is hereby repealed.
2. District Map No. 52H-312 contained in Appendix “A” 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 redesignating the lands shown outlined by heavy lines on Map 1 attached to and forming part of this By-law, from I2 D3 to I1 D3.
3. The building does not exceed the heights shown on Map 2. The mechanical penthouse may exceed this height up to 5 metres.
4. None of the provisions of Section 9 (1) (f) of By-law No. 438-86, as amended, shall apply to prevent the conversion, addition and use of the building on the *lot* for not more than 118 *live-work* units and uses permitted in the I1 district, provided:
 - (i) the *lot* is comprised of the area outlined by heavy lines on Map 1 attached to and forming part of this By-law;
 - (ii) the existing building contains:
 - (a) not more than 118 *live-work* units;
 - (b) not less than 152 m² of internal *residential amenity space* and not less than 480 m² of external *residential amenity space* is provided;
 - (c) not less than 117 *parking spaces* are provided on the *lot* of which a minimum of 14 *parking spaces* are designated for visitors and all of which are located on the first floor and within any below *grade* portion of the building;
 - (d) not more than 26 tandem parking spaces for the residents/owners, 4 motorcycle parking spaces having minimum dimensions of 1.35 m by 2.5 m and not more than 2 substandard car parking spaces having minimum dimensions of 2.9 m by 5.0 m; and
 - (iii) no portion of any building or structure on the *lot* is constructed or erected, above *grade*, other than wholly within the area outlined with heavy lines on Map 2, attached to and forming part of the By-law with the exception of open balconies, railings, stairs and decorative landscape details in the area identified as open balconies or in the hatched area.

5. The density and height of the development permitted by this By-law is subject to the owner of the lands to which this by-law applies entering into, and registering against the title to such lands, one or more agreements satisfactory to the City of Toronto, pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to secure the following facilities, services and matters:
- (i) conveyance, at the owners expense, of a public access easement over Part 3, Plan 66R-18850, formerly a railway spur, in a manner and form satisfactory to the City Solicitor;
 - (ii) landscaping and maintenance of the former railway spur referred to in paragraph 5(I) as well as the public boulevards adjacent to the *lot*, including streetscape and highway alterations, to the satisfaction of the Director of Community Planning, South District and the Commissioner of Works and Emergency Services;
 - (iii) payment for the cost of streetscape improvements and highway alterations required to ensure integration with adjacent lands, including pavement and sidewalk adjustments, to the satisfaction of the Commissioner of Works and Emergency Services; and
 - (iv) payment for the cost of any improvements or upgrades to municipal infrastructure, including those related to stormwater runoff, sanitary flow and water supply demand, that may be determined to be required as a result of the development according to site servicing plans accepted by the Commissioner of Works and Emergency Services.
6. For the purposes of this By-law each italicized word or expression shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended and *live-work* unit shall have the same meaning as contained in an RA district.

ENACTED AND PASSED this 24th day of September, A.D. 2003.

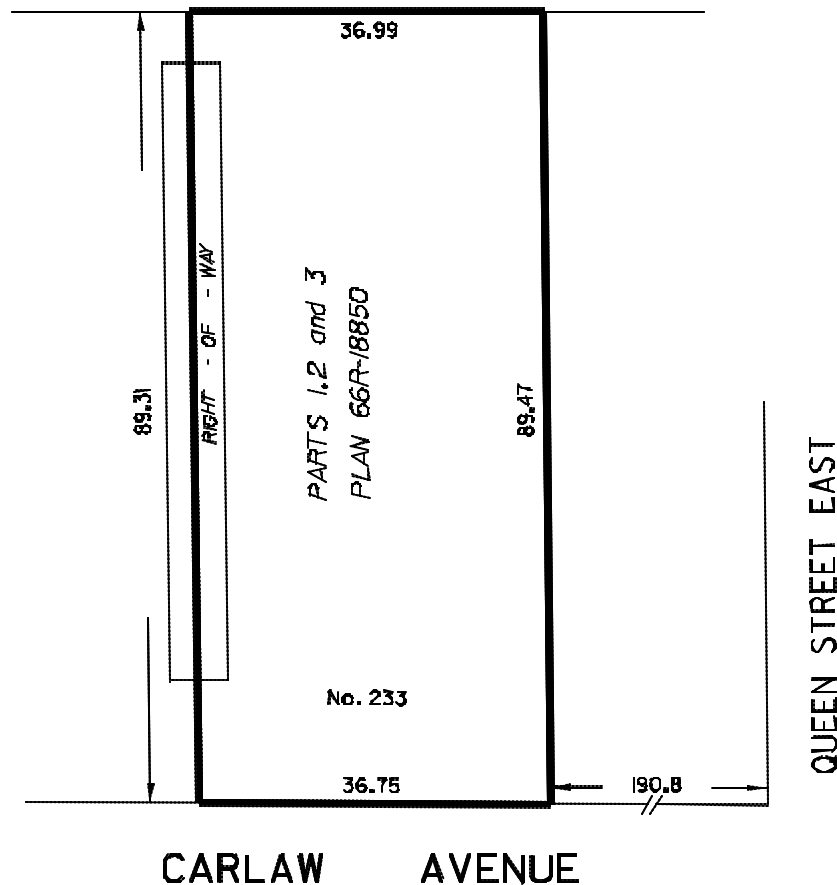
CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

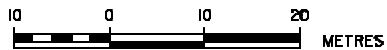
(Corporate Seal)

MAP 1

BOSTON AVENUE



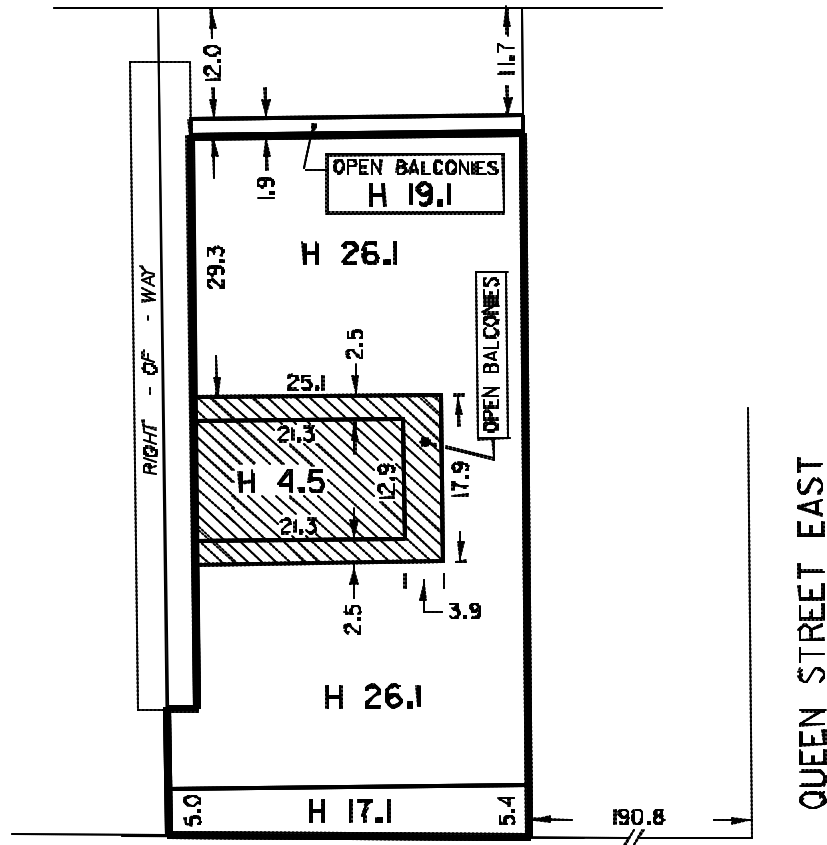
REDESIGNATED TO "I1 D3"



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO SEPTEMBER, 2003
BL03/233CAR1.DGN
FILE: C38-Z5, 2402.53-3
MAP No. 52H-313 DRAWN: WS

MAP 2

BOSTON AVENUE



CARLAW AVENUE

 ONE STOREY

H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO SEPTEMBER, 2003
BL03/233CAR2.DGN
FILE: C36-25, 2402-53-3
MAP No. 52H-313 DRAWN: WS