

Authority: Toronto and East York Community Council Report No. 2, Clause No. 2,
as adopted by City of Toronto Council on February 16, 2005
Enacted by Council: February 16, 2005

CITY OF TORONTO

BY-LAW No. 143-2005

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 363 Sorauren Avenue.

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law passed under Section 34 of the *Planning Act*, authorize increases in height or 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 or 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 in respect of the facilities, services or matters; 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 owner of the lands hereinafter referred to has elected to provide facilities, services and matters as hereinafter set forth; and

WHEREAS the increases in density and height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 438-86, are to be permitted in return for the provisions of 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 lands and the City of Toronto (the "City"); and

WHEREAS the Council of the City has required the owner of the aforesaid lands to enter into one or more agreements for the provision of certain facilities, services and matters in return for the increases in height and density permitted by this By-law;

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

1. None of the provisions of Sections 2 with respect to the definitions of *apartment building*, *grade*, *live-work unit* and *residential gross floor area* and Sections 4(2), and 4(4)(b), of By-law No. 438-86, being "A By-law to regulate the use of land and 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, shall apply to prevent the erection and use of a *apartment building* with *live-work units* on the *lot*, provided:
 - (a) the *lot* comprises those lands outlined by heavy lines on Plan 1 attached to and forming part

of this By-law;

- (b) no portion of the building above *grade* on the *lot* is located otherwise than wholly within the areas delineated by heavy lines and within the height limits shown on Plan 2 attached to and forming part of this By-law, save and except for the following elements:
 - (i) building or structural elements listed in Sections 4(2)(a)(i), (ii) and (iii) of By-law No. 438-86, provided those restrictions listed within the above Sections continue to apply;
 - (ii) cornices, canopies, ornamental elements, vents, and parapets, provided such elements may extend beyond the building envelope vertically and/or horizontally by up to 1.2 metres; and
 - (iii) retaining walls, ramps, stairs and stair enclosures leading to a *parking garage*, *fences*, *patios*, *decks*, *guard rails*, *landscape features*, and chimneys.
 - (c) a minimum habitable building setback of 25 metres from the railway right-of-way and alternative safety measures generally in accordance with railway requirements in lieu of GO Transit's and CN's standard safety berm requirements;
 - (d) a minimum of 151 *parking spaces* shall be provided on site of which 31 spaces be allocated for visitor parking within the *lot*; and
 - (e) the owner enters into and registers a Heritage Easement Agreement with the City with respect to the building known as 363 Sorauren Avenue on the date of passing of this By-law.
2. Despite Section 9(1)(f) of By-law No. 438-86, an *apartment building* containing no more than 153 *live-work units* shall be permitted.
 3. Despite Section 9(3) PART II of By-law No. 438-86, *residential gross floor area* shall not exceed 13,425 square metres.
 4. Upon issuance of a building permit to allow residential development, Section 9(1)(f) and 9(3) PART II, of By-law No. 438-86 shall no longer apply.
 5. The owner of the lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to secure the facilities, services and matters referred to below, which agreement or agreements may be registered against the title of lands to which this By-law applies in the manner and to the extent specified in such agreements. The owner of the subject lands, at the owners expense and in accordance with, and subject to agreements referred to above, shall provide at its expense the following facilities, services and/or matters on terms satisfactory to the City of Toronto, in order to permit the increase in gross

floor area and *height* authorized under the exception regulations Section 1:

- (a) the owner shall pay to the City of Toronto, a total of \$200,000, to be directed to the planned Wabash-Sorauren Community Centre, \$100,000 provide prior to the issuance of any building permit for full building, and the remaining \$100,000 provided prior to the registration of condominium;
- (b) inclusion of warning clauses in all offers of purchase and sale, lease or rental agreements, to the satisfaction of the Commissioner of Urban Development Services, to provide notice of the integration of *live-work units* into an industrial building as well as possible noise and vibration resulting from the proximity of the *site* to a railway corridor;
- (c) implementation of noise and vibration abatement measures, if required, satisfactory to the City, in consultation with CN Railway and GO Transit, or their respective successors and assigns; and
- (d) the owner enter into and register a Heritage Easement Agreement with the City of Toronto with respect to the existing building.

6. For the purpose of the By-law,

- (a) “*live-work unit*” means a *dwelling unit* that is also used for work purposes provided the resident or residents of such accommodation work in the *dwelling unit*, and the *dwelling unit* may also be used for work purposes by any number of other persons, permitting office, studio, caterer, barber, hairdresser, beautician, dressmaker, seamstress, tailor, *custom workshop* or *software design and development establishment*;
- (b) “*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
- (c) each other italicized word or expression shall have the same meaning as each word or expression as defined in By-law No. 438-86.

7. In cases where there is a conflict between this by-law and the provisions of By-law No. 438-86, as amended, this By-law shall apply.

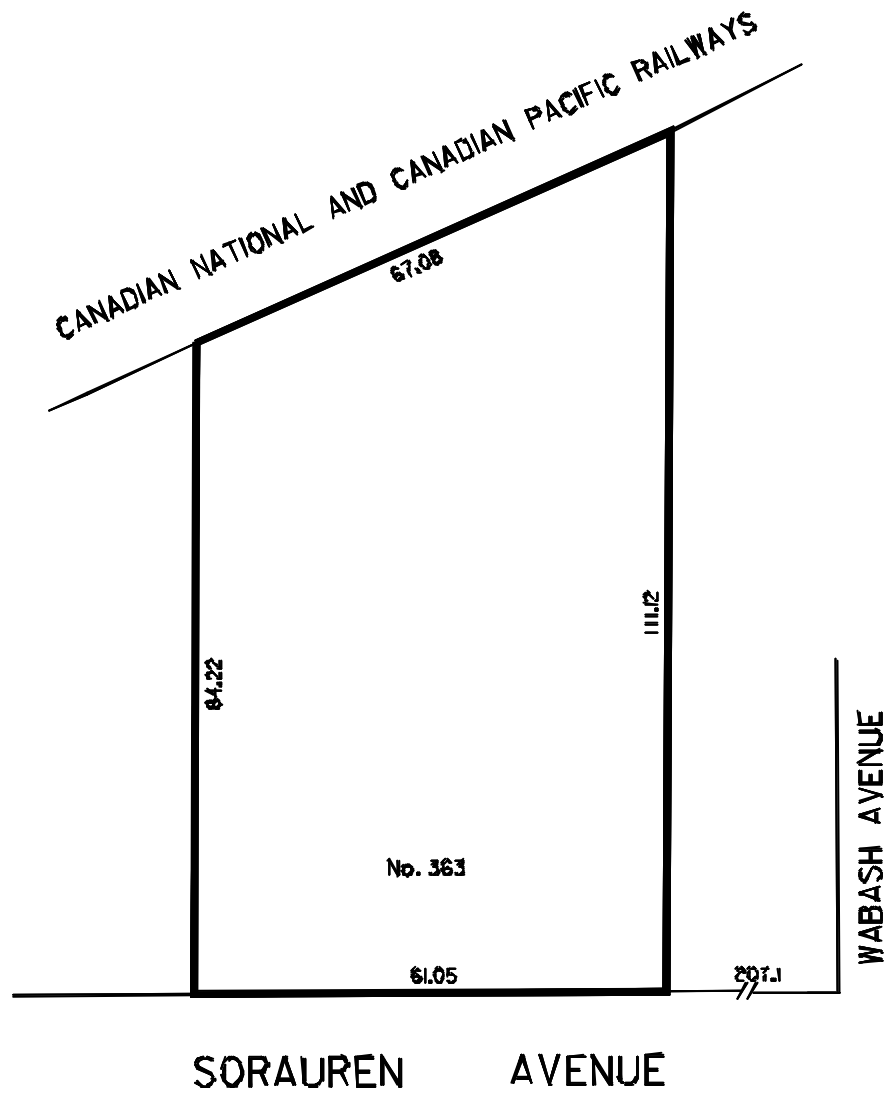
ENACTED AND PASSED this 16th day of February, A.D. 2005.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

PLAN 1



PLAN 2

