

Authority: Ontario Municipal Board Order issued on April 4, 2014 in Board File No. PL130568

CITY OF TORONTO

BY-LAW No. 355-2014(OMB)

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands known municipally as 383 Sorauren Avenue.

Whereas the Ontario Municipal Board, pursuant to its Order issued April 4, 2014, in Board No. PL130568, upon hearing an appeal under Section 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, deems it advisable to amend By-law No. 438-86, as amended of the former City of Toronto with respect to the lands known municipally in the year 2014 as 383 Sorauren Avenue; and

Whereas the Official Plan for the City of Toronto contains such 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 or 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 matter as are set out in the by-law; and

Whereas subsection 37(3) of the *Planning Act* provides that where an *owner* of lands elects to provide facilities, services or matters, in return for an increase in the height or density of development, the *owner* may be required to enter into one or more agreements with the municipality in respect of 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 No. 438-86, as amended, is permitted in return for the provision of 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;

Therefore By-law No. 438-86 of the former City of Toronto is amended by the Ontario Municipal Board as follows:

1. None of the provisions of Section 2(1) with respect to the definition of the terms *bicycle parking space*, *bicycle parking space-occupant*, *bicycle parking space-visitor*, *grade*, *height* and *lot*, and Sections 4(2)(a), 4(4)(b), 4(12), 4(16), 9(1)(a), 9(3)Part I and 9(3) Part II of Zoning By-law No. 438-86, as amended, 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, shall apply to prevent the erection or use of an *apartment building* and *accessory* uses on the *lot*, provided that:

- (a) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
- (b) the *residential gross floor area* of the building shall not exceed 11,550 square metres;
- (c) a maximum of 145 *dwelling units* shall be permitted on the *lot*;
- (d) no portion of the building above *grade* is located otherwise than wholly within the heavy lines on Map 2 attached hereto and forming part of this By-law, with the exception of the following:
 - i. bollards, eaves, cornices, balustrades, lighting fixtures, awnings, canopies, fences and safety railings, parapets, trellises, window sills, window washing equipment, privacy screens, dividers, privacy walls, guardrails, vents, stacks, terraces, patios, wheelchair ramps, retaining walls or crash walls, landscape features, stairs, stair enclosures, doors, window washing equipment, underground garage ramps and associated structures, planters and elements or structures on the roof of the building used for outside or open air recreation, green roof, safety or wind protection purposes; and
 - ii. an architectural frame, which may contain areas used for storage purposes, may be located on those portions of the *lot* subject to a height limit of 18.6 metres and 21.5 metres as shown on Map 2, provided the height of such architectural frame does not exceed a *height* limit of 25.0 metres, excluding parapets;
- (e) no portion of the building shall have a greater *height* in metres than the *height* limits specified by the numbers following the symbol H on Map 2 attached to and forming part of this By-law, with the exception of the structures and elements provided for in subsection (d) above;
- (f) notwithstanding subsection (d) above, no window of a *dwelling unit* shall be located closer than 5.5 metres to the northerly and southerly lot lines;
- (g) not less than 113 *parking spaces* shall be provided and maintained on the *lot*, of which 18 *parking spaces* shall be provided for the exclusive use of visitors to the *lot*;
- (h) a minimum of 3 *car-share parking spaces* shall be provided on the *lot*;
- (i) all *bicycle parking spaces-visitor* shall be located at finished ground level in a weather protected area;
- (j) a minimum of 220 square metres of indoor *residential amenity space* shall be provided in a room or rooms which are not contiguous, one of which shall contain a kitchen and a washroom;

- (k) a minimum of 300 square metres of outdoor *residential amenity space* shall be provided, of which a minimum of 40 square metres shall be directly accessible from the indoor *residential amenity space*; and
 - (l) no outdoor *residential amenity space* shall be located between the building and the northerly property line nor on the roof of that portion of the building located above a height of 25.0 metres.
2. None of the provisions of Zoning By-law No. 438-86, as amended, shall apply to prevent a *temporary sales office/pavilion* on the *lot*.
3. For the purposes of this By-law:
- (a) "*temporary sales office/pavilion*" means a 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) "*bicycle parking space*" means an area used for parking or storing a bicycle having the following dimensions:
 - i. the minimum dimension of a *bicycle parking space* placed in a horizontal position is:
 - A. minimum length of 1.8 metres;
 - B. minimum width of 0.6 metres; and
 - C. minimum vertical clearance from the ground of 1.9 metres;
 - ii. the minimum dimension of a *bicycle parking space* placed in a vertical position on a wall, structure or mechanical device is:
 - A. minimum horizontal clearance from the wall, structure or mechanical device of 1.2 metres;
 - B. minimum width of 0.6 metres; and
 - C. minimum vertical clearance of 1.9 metres;
 - iii. the minimum dimension of a *bicycle parking space* provided in a *bicycle stacker* is:
 - A. minimum length of 1.8 metres;
 - B. minimum width of 0.6 metres; and
 - C. the overall minimum vertical clearance for a *bicycle stacker* is 1.9 metres;

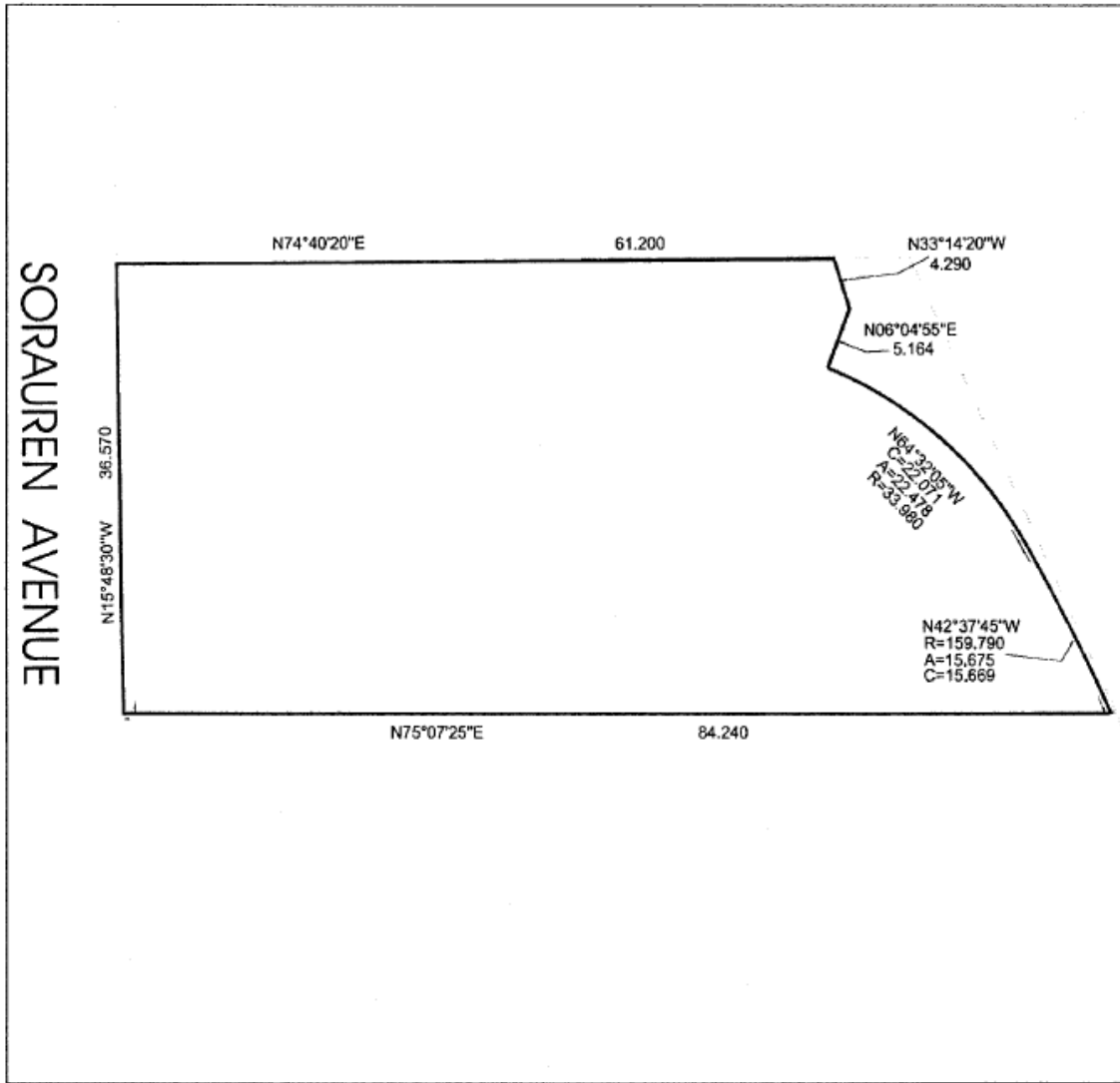
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- (c) *"bicycle parking space-occupant"* means *bicycle parking spaces* for use by the occupants or tenants of a building;
 - (d) *"bicycle parking space-visitor"* means *bicycle parking spaces* for use by visitors to a building;
 - (e) *"bicycle stacker"* means a device which provides *bicycle parking spaces* in a horizontal position above or below another *bicycle parking space* and equipped with a mechanism providing floor level access to both *bicycle parking spaces*;
 - (f) *"car-share motor vehicle"* means a motor vehicle available for short-term rental, for the use of at least the occupants of the building erected on the lot;
 - (g) *"car-share parking space"* means a *parking space* used exclusively for the parking of a *car-share motor vehicle*;
 - (h) *"grade"* means 108.75 metres Canadian Geodetic Datum;
 - (i) *"height"* means the highest point of the roof above *grade* except for those structures and elements as prescribed by this By-law;
 - (j) *"lot"* means those lands outlined in heavy lines on Map 1 attached hereto;
 - (k) *"owner"* means the registered owner of the *lot*; and
 - (l) each word or expression that is italicized in the By-law herein shall have the same meaning as each word or expression as defined in By-law No. 438-86, as amended unless the contrary is expressed in this By-law.
4. Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the lot contemplated herein is permitted in return for the provision by the *owner*, at the *owner's* expense certain facilities, services and matters set out in Schedule A hereof subject to and in accordance with an agreement pursuant to Section 37(3) of the *Planning Act* that is in a form and registered on title to the *lot*, to the satisfaction of the City Solicitor.
5. 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.

PURSUANT TO THE ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON APRIL 4, 2014 IN BOARD FILE NO. PL130568.

SCHEDULE A

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 in accordance with an agreement under Section 37(3) of the *Planning Act* whereby the *owner* agrees as follows:

1. Prior to issuance of an above grade building permit, other than building permit for a temporary sales office/pavilion, the *owner* shall provide:
 - (a) A cash contribution of \$112,500.00 towards improvements to the Wabash-Sorauren Community Centre to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made; and
 - (b) A cash contribution of \$112,500.00 toward the City's Capital Revolving Fund for Affordable Housing for the purpose of constructing new affordable rental housing units in Ward 14, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
2. In the event the cash contributions referred to in Section 1 have 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 Ward Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lot.
3. As a legal convenience, the agreement(s) shall secure the provision of appropriate warning clauses and mitigation measures in the Site Plan Agreement and payments toward mitigation measures at 393 Sorauren Avenue up to a maximum of \$10,000.00 in recognition of the adjacent rail facility and commercial employment uses.
4. As a legal convenience, the agreement(s) shall secure the provision of an eighty (80) percent transparency opening at the 8th storey architectural frame identified in Section 1 (d) (ii) of this By-law and further shown on Drawing Nos. A.13 and A.14 submitted as Exhibit 8 to Ontario Municipal Board hearing file no. PL130568 as part of Site Plan Approval to the satisfaction of the Chief Planner and Executive Director of City Planning.



383 Sorauren Avenue, Toronto

Map 1



Not to Scale

