

Authority: Toronto and East York Community Council Item TE10.3, as adopted by City of Toronto Council on October 24 and 25, 2011

## CITY OF TORONTO

### BY-LAW No. 1246-2016

#### **To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known as 407 Huron Street.**

Whereas the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, with respect to lands municipally known in the year 2016 as 407 Huron Street; and

Whereas pursuant to Section 37 of the *Planning Act*, a By-law passed under Section 34 of the *Planning Act* may authorize increases in the height or density of development beyond that otherwise permitted by the by-law 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 or matters in return for an increase in the height or density of development, a 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 lands known at the date of enactment of this By-law as 407 Huron Street (the "Site") has elected to provide the facilities, services or matters as are set out in this By-law; and

Whereas the increase in height and density of development permitted under this By-law beyond that otherwise permitted on the Site by By-law 438-86, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the Site and the City of Toronto (the "City"); and

Whereas the Official Plan of the City of Toronto contains provisions relating to the authorization of the height and density of development; and

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

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the *Planning Act*, the *height* and *density* of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law including the provision by the *owner* of the *site* of the facilities, services and matters set out in Appendix "1" hereof, to the City at the *owner's* sole expense and in accordance with and subject to the agreement referred to in Section 2 of this By-law.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *site* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out in Appendix "1" hereof, the *site* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a

facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.

3. None of the provisions of Sections 4(2)(a), 4(8)(b), 6(1)(a), 6(3) Part I 1, 6(3) Part II 2(ii), 6(3) Part II 3, 6(3) Part II 4, 6(3) Part II 5 and 6(3) Part II 6, of By-law No. 438-86 of the former City of Toronto, 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 renovation of the existing building, including the construction of additions, and the use of the buildings and structures on the *site* for a *community health centre*, *educational clinic* and *office space*, provided that:
- (a) the uses for the *site* shall be limited to those R3 district uses listed in Section 6(1)(f) of *By-law No. 438-86*, a *community health centre*, *educational clinic* and *office space*, including any *accessory* uses thereto;
  - (b) the total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *site*, excluding any floor space below *grade*, as identified by the permissive exception in Section 12(1) 422 of *By-law No. 438-86*, does not exceed 1500 square metres;
  - (c) no portion of any building or structure located above *grade* within the *site* is located otherwise than wholly within the areas delineated by heavy lines as shown on Map 2 attached hereto, with the exception that any of those projections identified in Section 6(3) Part II 8 of *By-law No. 438-86* may be used, notwithstanding the building will not be a *residential building*, provided that the restrictions on the projections as set out therein are complied with;
  - (d) any reconstruction or replacement (total or partial) of the existing 2-storey open verandah, including the roof structure above, and attached to the south side of the "Existing Heritage Building" is restricted to, or within, the same outer limits of the existing verandah structure; and
  - (e) no portion of any building or structure located above grade shall exceed the height limits specified by the numbers following the symbol "H" as shown on Map 2, attached to and forming part of this By-law with the following exceptions:
    - (i) architectural features, lighting fixtures, fences, terrace and balcony railings, dividers and screens, landscape features, and guard-rails, provided they exceed the permitted *height* by no more than 2.5 metres;
    - (ii) window washing equipment and elements of a green roof;
    - (iii) heating, cooling or ventilating equipment provided they exceed the permitted height by no more than 2.5 metres and are not located outside of the hatched area on Map 2;
    - (iv) stairs, stair enclosures, elevator overrun, provided they exceed the

permitted height by no more than 2.5 metres and are not located outside of the hatched area on Map 2; and

- (v) parapets provided they exceed the permitted height by no more than 0.9 metres.

4. For the purposes of this By-law, the following italicized word and terms shall have the following meaning:
  - (a) "*By-law No. 438-86*" means Zoning By-law 438-86, as amended, of the former City of Toronto;
  - (b) "*educational clinic*" means a facility that delivers public education and information on health care related matters and educates *staff* on working with and assessing patients, including patients that require site visits and community outreach programs to access programs offered by the *community health centre*;
  - (c) "height" means the height in metres as shown on Map 2 and measured from 114.0 metres Canadian Geodetic Datum;
  - (d) "*office space*" means administrative and office uses associated with and accessory to the *community health centre* or *educational clinic* permitted by this By-law;
  - (e) "*site*" means the lands delineated by heavy lines on Map 1 attached;
  - (f) "*staff*" means employees or community based health related professionals associated with the *community health centre*, *educational clinic* or *office space* permitted by this By-law; and
  - (g) each other word or expression, which is italicized in this by-law, shall have the same meaning as each such word or expression as defined in *By-law No. 438-86*.
5. Except as otherwise provided herein, the provisions of *By-law No. 438-86* shall continue to apply to the site.
6. Within the *site*, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
  - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
  - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

7. Building permit issuance with respect to the lands to which this By-law applies shall be dependent upon satisfaction of the provisions in the By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.

Enacted and passed on December 15, 2016.

Frances Nunziata,  
Speaker

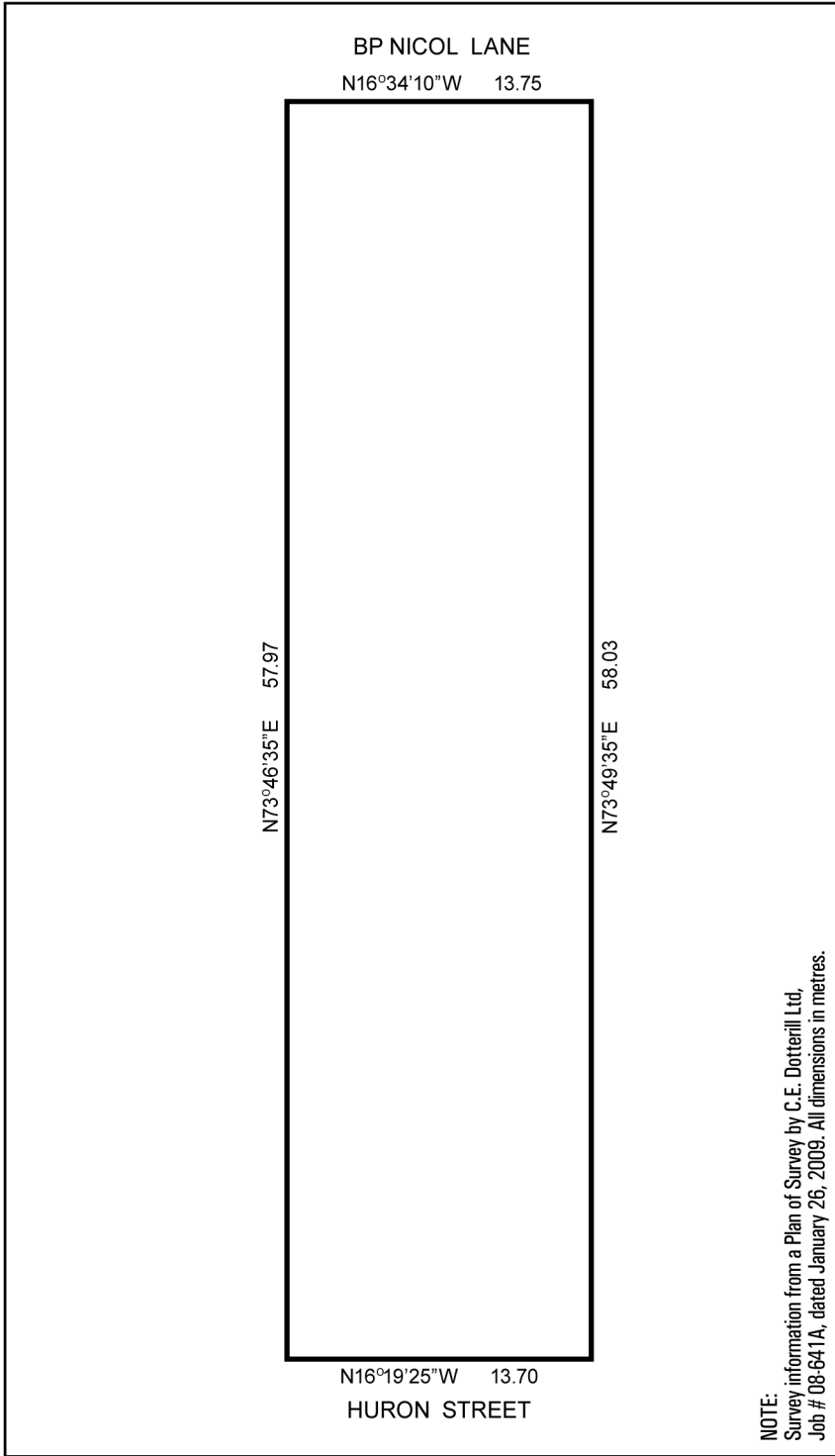
Ulli S. Watkiss,  
City Clerk

(Seal of the City)

**Appendix "1"****Section 37 Provisions**

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *lot* to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for indexing escalating of the financial contributions, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

1. Prior to the issuance of final site plan approval and prior to the issuance of any permit, and all to the satisfaction of the Manager, Heritage Preservation Services:
  - (a) The *owner* shall prepare a detailed Conservation Plan for the conservation work described in the November 26, 2010 Heritage Impact Assessment prepared by ERA Architects Inc.;
  - (b) The *owner* shall provide final site plan drawings consistent with the detailed Conservation Plan approved by the Manager, Heritage Preservation Services; and
  - (c) The *owner* shall provide a letter of credit in a form and an amount and from a bank satisfactory to the Chief Planner and Executive Director, City Planning Division to secure the required restoration work.
2. The *owner* shall carry out, complete and maintain the heritage conservation work set forth in the approved Conservation Plan and construct the permitted addition subject to and in accordance with the Conservation Plan approved by the Manager, Heritage Preservation Services.



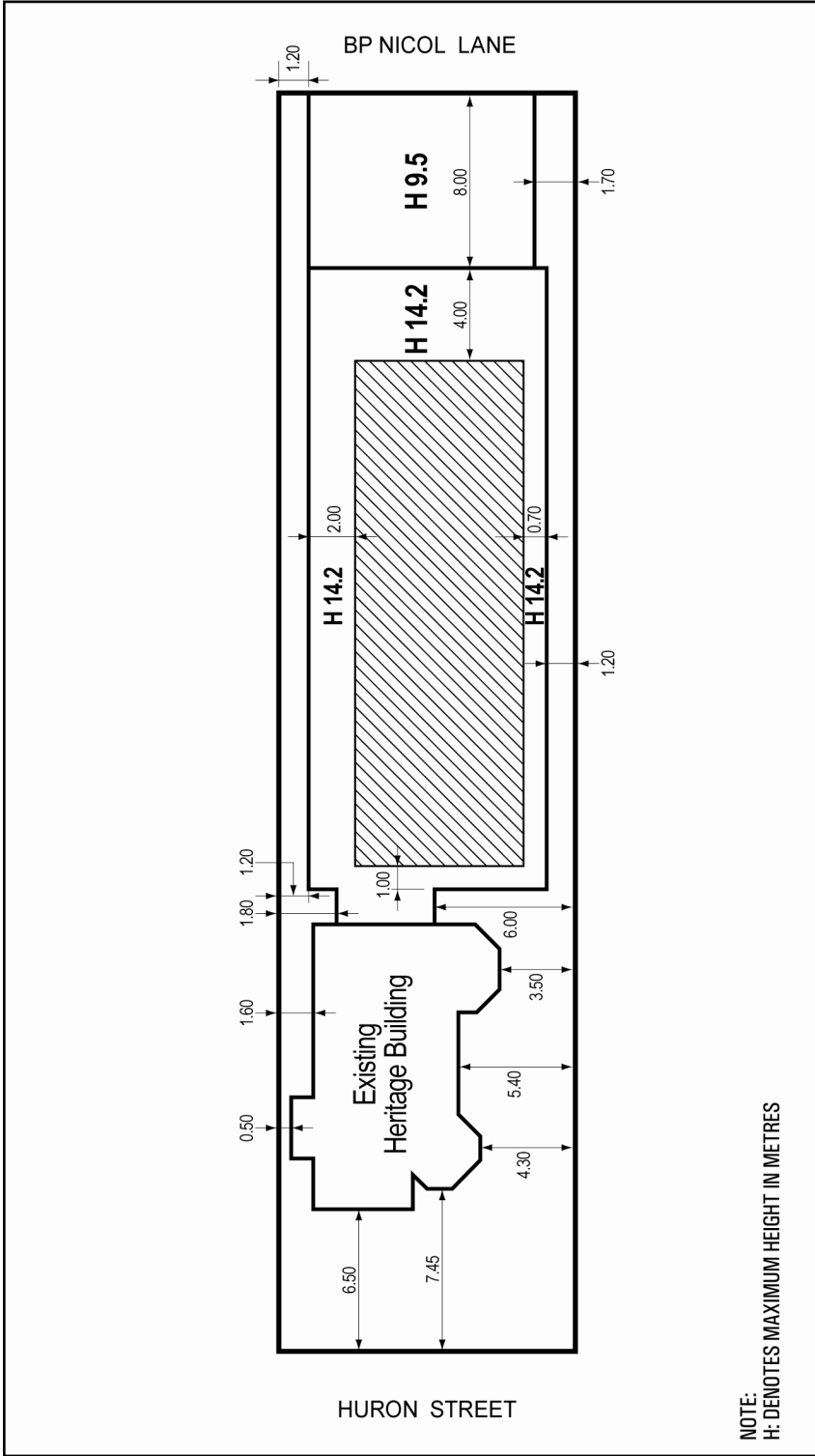
407 Huron Street

Map 1

File # 10 309448 0Z



Not to Scale  
09/13/2011



NOTE:  
 H: DENOTES MAXIMUM HEIGHT IN METRES

**407 Huron Street**

File # 10 309448 0Z

**Toronto** City Planning

**Map 2**



Not to Scale  
 09/30/2011