

Authority: Toronto and East York Community Council Item TE25.6, as adopted by City of Toronto Council on July 4, 5, 6 and 7, 2017

CITY OF TORONTO

BY-LAW 1080-2017

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known as 25 Leonard Avenue.

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 the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and/or 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 land elects to provide facilities, services and 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 aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increases in height and density permitted beyond that otherwise permitted on the aforesaid lands 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 land and the City of Toronto (hereinafter referred to as 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 enacts:

1. Pursuant to Section 37 of the *Planning Act*, the *heights* 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 and in return for the provision by the *owner* of the *lot* of the following facilities, services and matters set out in Schedule A, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.

2. Upon execution and registration of an agreement or agreements between the *City* and the *owner* of the *lot* on title to the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Schedule A, the *lot* 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*, such building may not be erected or used until the *owner* of the *lot* has satisfied the said requirements.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement(s) entered into with the *City* pursuant to Section 37 of the *Planning Act*, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. Except as otherwise provided herein, the provisions of *By-law 438-86* shall continue to apply on the *lot*.
5. None of the provisions of Sections 2(1) with respect to the definitions of *social housing*, *grade* and *lot* and Sections 4(2), 4(5)(B), 4(8)(B), 4(13), 6(3) Part IX 1(B), 6(3) Part I 1, 6(3) Part II 3(I), 6(3) Part II 3.F(I)(1)(A), 6(3) Part II 3.F(II), 6(3) Part II 4, 6(3) Part II 5(I) and 6(3) Part III 1(B) shall apply to prevent the erection and use of two residential buildings containing *social housing units* on the lands municipally known in the year 2017 as 25 Leonard Avenue, hereinafter referred to as the *lot*, and as shown on Map 1 attached and forming part of this By-law, provided that:
 - (a) the building on the *lot* shall be comprised of the *building A* and *building B*, on the lands municipally known in the year 2017 as 25 Leonard Avenue, as shown on Map 2 attached and forming part of this By-law;
 - (b) the total gross floor area erected or used on the *lot* shall not exceed 3,900 square metres of which:
 - i. the total gross floor area shall not exceed 3,210 square metres in the *building A* as existing in the year 2017; and
 - ii. the total gross floor area shall not exceed 690 square metres in *building B*;
 - (c) the *gross floor area* shall be only for the construction of a maximum of 99 *social housing units* on the *lot* cumulatively between *building A* and *building B*;
 - (d) no portion of any *dwelling unit* erected or used in *building B* on the *lot* shall be located below *grade*;
 - (e) no portion of building A or building B or any structure erected or used above *grade* on the *lot* shall exceed the height limits above *grade* in metres as specified by the numbers following the symbol "H" as shown on attached Map 2, with the exception of the following:

- i. parapets, stair shafts, lighting fixtures, ornamental elements, chimneys, vents, stacks, transformer vaults, safety and wind protection elements, window washing equipment, green roof elements and public art features by a maximum of 2.0 metres above the height specified by the numbers following the "H" as shown on attached Map 2;
 - (f) no portion of *building A* or *building B* or any structure erected or used on the *lot*, above *grade* or above finished ground on the *lot*, shall be located other than wholly within areas delineated by the building envelope on Map 2, with the exception of the following:
 - i. canopies, cornices, awnings, trellises, eaves, window sills, stair enclosure in Building A, lighting fixtures and public art may extend beyond the heavy and dashed lines shown on Map 2 by a maximum of 2.4 metres, and in association with the approved Site Plan that forms part of any Site Plan Agreement associated with the lot; and
 - ii. the stair enclosure as shown on Map 2 of *building B* shall be located no closer than 2.1 metres from the *rear lot line*;
 - (g) *residential amenity* space shall be provided for all *social housing units* on the *lot* in *building A* and *building B* as follows:
 - i. a minimum of 240 square metres of *indoor amenity space* shall be provided on the *lot* in a multi-purpose room or rooms that may or may not be contiguous, and that will collectively contain a kitchenette and a washroom; and
 - ii. a minimum of 120 square metres of *outdoor residential amenity* space shall be provided on the *lot* and in a location that may or may not adjoin or be directly accessible from the indoor amenity space;
 - (h) a minimum of 68 *bicycle parking spaces* shall be provided and maintained for all *social housing units* on the *lot* in *building A* and *building B* as follows:
 - i. a minimum of twenty (20) *bicycle parking spaces – visitor* shall be provided on the *lot*, at grade; and
 - ii. a minimum of forty-eight (48) *bicycle parking spaces – occupant* shall be provided within *building A* on the *lot*.
6. Notwithstanding the definitions provided in Section 2(1) of *By-law 438-86*, as amended, for the purposes of this By-law, the following definitions will apply to the *lot* unless indicated otherwise in this By-law. Where italicized terms referred to in this By-law are not defined in this By-law, the definitions provided in Section (2)1 of *By-law 438-86*, will apply:

- i. "*social housing unit*" means a dwelling unit(s) owned and operated by a non-profit agency in cooperation with the City of Toronto or other government agency or level of government;
 - ii. "*building A*" means the existing apartment building, subject to internal modifications or alterations that do not result in any additional *gross floor area*, except as provided herein, located on the *lot* in the year 2017 as shown on Map 2;
 - iii. "*building B*" means any building or structures, other than the *existing building*, above or below *grade*, located within the heavy lines shown on Map 2 as the *building addition*; and
 - iv. "*grade*" means 87.05 metres above Canadian Geodetic Datum.
7. Despite any existing or future severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.
8. Within the lands shown on Map 1 attached to this By-law, 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.

Enacted and passed on October 4, 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

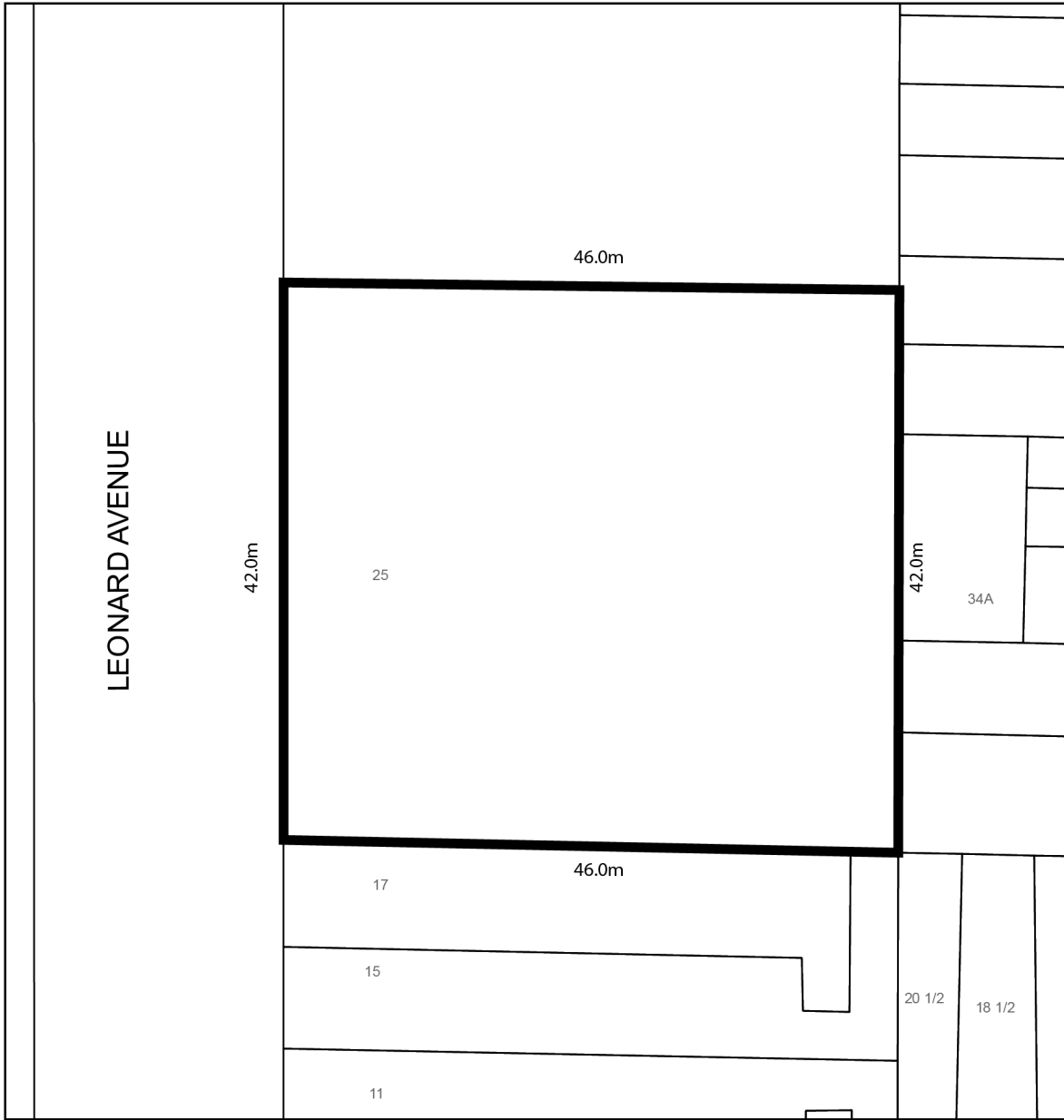
(Seal of the City)

SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out herein are required to be provided by the *owner* of the *lot* at its expense 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 escalation of the financial contributions and letters of credit, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

- i. The Owner shall provide and maintain on the lands known as 25 Leonard Avenue at least twenty-two (22) *social housing units* in *building B* from the date of first residential occupancy of each unit for a period of at least 25 years, as generally shown on the plans dated April 24, 2017 submitted to the City Planning Division. Also for a period of at least 25 years, the Owner shall not apply to convert any or all of the twenty-two (22) *social housing units* for any non-rental dwelling unit purpose; to demolish the units without replacement; nor to register the units under the *Condominium Act* or any other form of ownership tenure. Any revision to the plans dated April 24, 2017 must be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- ii. The Owner shall provide and maintain the existing seventy-seven (77) *social housing units* in *building A* on the lands known as 25 Leonard Avenue for a period of at least 25 years, from the date of the Zoning By-Law coming into full force and effect, with all associated facilities, amenities and building improvements to be secured for the Social Housing Units, at no extra cost to the existing tenants, and with no applications to convert any or all of the seventy seven (77) *social housing units* for any non-rental dwelling unit purpose; to demolish the units without replacement; nor to register the units under the *Condominium Act* or any other form of ownership tenure;
- iii. The Owner shall upgrade and relocate the laundry room from the basement to the ground floor of *building A* at 25 Leonard Avenue as generally shown on the plans dated April 24, 2017 submitted to the City Planning Division, prior to occupancy of the additional building on the site;
- iv. The Owner shall improve the outdoor landscaped space for use by *building A* and *building B* to include a courtyard between the two buildings, planters and seating areas as generally shown on the plans for 25 Leonard Avenue submitted to the City Planning Division, dated April 24, 2017;
- v. The Owner shall provide a Tenant Communication Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and
- vi. Prior to the commencement of any excavation and shoring work, the Owner will submit a Construction Management Plan (including a Construction Mitigation Strategy addressing impact on the existing building on the site), to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, and thereafter shall implement the plan during the course of construction. The Construction Management Plan will include, but not be limited to, the size and location of construction staging areas, location and function of gates, information on concrete pouring, lighting


details to ensure that safety lighting does not negatively impact adjacent residences, construction vehicle parking and queuing locations, refuse storage, site security, site supervisor contact information, a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.



 **TORONTO**
Map 1

25 Leonard Avenue

File # 17 111968 STE 20 0Z


City of Toronto By-Law 438-86
Not to Scale
5/26/2017

