

Authority: Ontario Municipal Board Decision issued on October 25, 2016, in Board File PL150360

CITY OF TORONTO

BY-LAW 1325-2018(OMB)

To amend By-law 1916, as amended, of the former Town of Leaside, with respect to lands municipally known as 146-150 Laird Drive.

Whereas the owner of the lands known municipally as 146 to 150 Laird Drive has appealed a proposed zoning by-law amendment to the Ontario Municipal Board; and

Whereas the Ontario Municipal Board, by its decision issued October 25, 2016 in Board File PL150360, approved amendments to former Leaside Zoning By-law 1916 with respect to those lands; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act* may authorize increases in height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provisions 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 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 increase in height and density permitted beyond the otherwise permitted on the aforesaid lands by former By-law 1916, as amended, is permitted in return for the provision of the facilities, services and matters set out in the By-law which is secured by one or more agreements between the owner and the land and the City of Toronto;

Pursuant to the Order of the Ontario Municipal Board, former Leaside Zoning By-law 1916 is amended as follows:

1. The lands subject to this by-law are those lands outlined by a heavy black line and identified on Map 1 attached.
2. Schedule "A" to By-law 1916, as amended, is further amended by changing the zoning category for the lands identified from "Commercial – General C.1 Zone" to "Residential R3B Density Zone – Site Specific".
3. Zoning By-law 1916, as amended, is further amended by inserting the **following** new Section immediately after 6.8.5.1 as follows:

6.8.5.2 146-150 Laird Drive R3B.2

1. Area Restricted

The provisions of this section shall only apply to those lands being legally described as Lots 614 to 629 inclusive, Registered Plan 2120, City of Toronto, and as shown on Map 1 attached.

2. General Provisions

Notwithstanding Sections 5.7 6.1.1, 6.8.1, 6.8.2, 6.8.3, 6.9 of this By-law, on those lands referred to in Section 6.8.5.2 of this By-law, no person shall use, occupy, erect, alter, cause to be used, occupied, erected or altered, any Building, Structure or land or part thereof except in accordance with the following provisions:

a. Permitted Uses

i. In addition to all of the uses permitted within Section 6.8.1 for the R3B Zone, the following uses are also permitted on the lands:

A. nursing home; and

B. retirement home;

b. General Development Requirements

i. Maximum *Gross Floor Area* of a building on those lands referred to in Section 6.8.5.2 of this By-law of 21,486 square metres;

ii. No portion of the buildings or structures erected or used above *established grade* is located otherwise than within the lot and wholly within the areas delineated by heavy lines on Map 2 attached to this By-law subject to the following which may extend beyond the areas delineated by such heavy lines:

A. canopies, balconies, cornices, lighting fixtures, ornamental elements, parapets, piers, columns, trellises, eaves, window sills, planters, balustrades, guard rails, stairs, stair enclosures, wheelchair ramps, vents, fences, screens, landscape and public art features, railings and awnings;

iii. The *height* of any building or structures, or portion thereof, does not exceed those *heights* in metres as indicated by numbers following the symbol H on Map 2 excluding elevator overruns, mechanical equipment and any associated enclosure structures, parapets, guard rails, railings and dividers, trellises, eaves, screens, stairs, roof drainage, window washing equipment, lightning rods, architectural features, landscaping and elements of a green roof which shall be no higher than the sum of 6.0 metres and the

applicable maximum *height* limit; and

- iv. Notwithstanding the requirements of Section 5.17, a minimum ratio of 0.3 *parking spaces per bed-sitting room*.
3. Notwithstanding any of the provisions of this By-law, as amended, a temporary sales office, used exclusively for the initial sale and/or initial leasing of units proposed on the subject lands, is permitted on the lot.
 4. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law 1916, as amended, with the exception of the following:

"amenity space" shall mean indoor or outdoor space on a *lot* that is communal and available for use by the occupants of a building on the lot for recreational or social activities;

"established grade" shall mean an elevation of 131.20 metres Canadian Geodetic Datum;

"gross floor area" shall mean the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior main wall of each floor level, excluding: parking, loading and bicycling parking below-ground; required loading spaces at the ground level and required bicycle parking spaces at or above-ground; storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement; elevator shafts; garbage shafts; mechanical penthouse; and exit stairwells in the building;

"retirement home" shall mean premises used for semi-independent living accommodation for senior citizens primarily in bed-sitting rooms, with common dining and lounge areas;

"bed-sitting room" shall mean a room used as separate living accommodations that:

- a. has private entrance from a hallway inside a building; and
- b. may have sanitary facilities but not food preparation facilities;

nursing home shall mean premises used to provide living accommodation and regular nursing care for persons of any age and which has personal and medical care facilities, common lounges and dining areas;

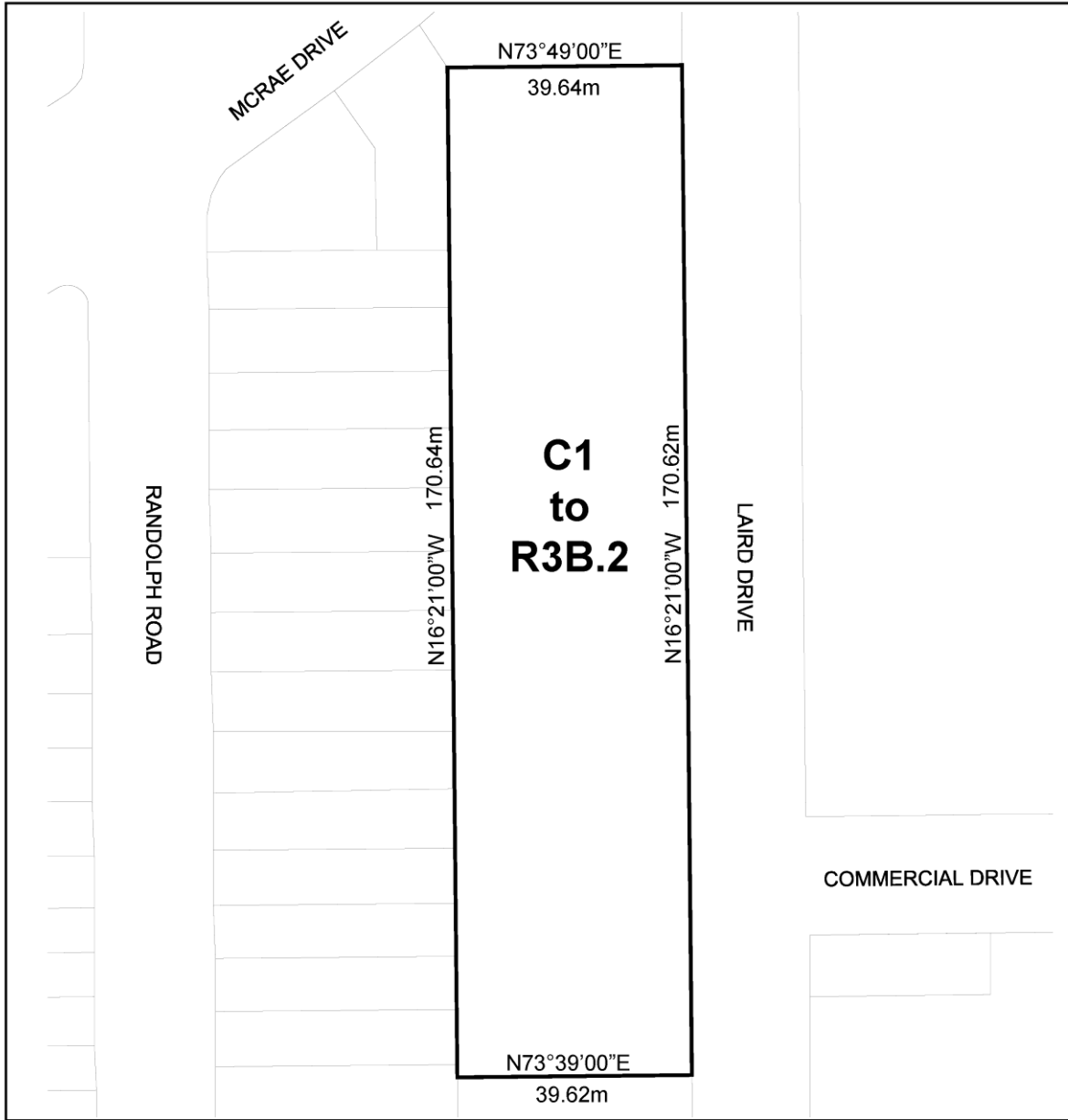
"gross floor area" shall mean the sum of the total area of each floor level of a *building*, above and below the ground, measured from the exterior of the main wall of each floor level. The *gross floor area* of a *retirement home* is reduced by the area in the *building* used for:

- a. parking, loading and bicycle parking below-ground;
 - b. required loading spaces at the ground level and required bicycle parking spaces at or above-ground;
 - c. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - d. shower and change facilities required by this By-law for required bicycle parking spaces;
 - e. amenity space required by this By-law;
 - f. elevator shafts;
 - g. garbage shafts;
 - h. mechanical penthouse; and
 - i. exit stairwells in the building.
5. Notwithstanding anything else contained in this By-law, the provisions of Section 6.8.5.2 shall continue to apply collectively to all of the lands identified in 6.8.5.2, notwithstanding any future division of the lands into two or more parcels of land.
6. Except as amended in this By-law, all the other provisions of By-law 1916 shall apply to the lands.
7. 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.
- 3. Section 37 Provisions**
- A. Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown as R3B.2 on Map 2 of this By-law, in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A and which are secured by one or more

agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands to the satisfaction of the City Solicitor;

- B. 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; and
- C. The owner must not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to Exception R3B.3 of By-law 1916, as amended, unless all provisions of Schedule A of such By-law are satisfied.

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Schedule A

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in accordance with this By-law and as further specified in one or more agreements pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the City with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of the agreement in return for the increase in height and/or density of the proposed development on the lands as follows, all to the satisfaction of the Chief Planner:

1. Prior to the issuance of the first above-grade building permit for all or part of the lands, the Owner agrees to pay to the City the sum of \$500,000, which shall be indexed annually in accordance with any increases in the Construction Price Index from the date of execution of this Agreement until the payment of the said monies, which monies shall be paid by certified cheque and used for capital improvement projects in Ward 26, at the direction of the Ward Councillor, in consultation with the Chief Planner.