

Authority: Local Planning Appeal Tribunal Order issued
on June 18, 2019 in LPAT Case PL160564

CITY OF TORONTO

BY-LAW 1093-2019(LPAT)

To amend former City of Toronto Zoning By-law 438-86, as amended, respecting the lands municipally known in the year 2018 as 174-188 Soudan Avenue and 71 and 73 Redpath Avenue.

Whereas the Local Planning Appeal Tribunal, by its Decision issued on November 15, 2018 and Order issued on June 18, 2019 in Tribunal Case PL160564 approved amendments to the former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands; 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 and 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 increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are secured by one or more agreements between the owner of the land and the City of Toronto; and

Whereas pursuant to Section 39 of the Planning Act, the council of a Municipality may, in a by-law passed under section 34 of the Planning Act, authorize the temporary use of land, buildings, or structures for any purpose set out therein that is otherwise prohibited by the by-law;

Now therefore pursuant to the Order of the Local Planning Appeal Tribunal, By-law 438-86, the General Zoning By-law of the former City of Toronto, as amended, is further amended as follows:

1. District Map 51K-321 contained in Appendix "A" and "B" of By-law 438-86, 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, is further amended by rezoning a portion of the lands zoned "R2

Z0.6" on Appendix "A" to "G" as outlined on Map 1 attached to and forming part of this By-law.

2. The lands subject to this By-law are those lands outlined by a heavy black line and identified as "174-188 Soudan Avenue and 71 and 73 Redpath Avenue" on the date of adoption of this By-law as shown on Map 2 attached to and forming part of this By-law.
3. None of the provisions of Section 2(1) with respect to the definition of '*height*', '*grade*', '*lot*' and '*residential gross floor area*', Sections 4(2)(a), 4(4), 4(6), 4(12), 4(16), 6(3) PART I 1, 6(3) PART II, 6(3) PART III, Section 12(2) 118 and Section 12(2) 119 of Zoning By-law 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", shall apply to the *lot*, provided that the following is complied with:
 - (a) the *lot* shall consist of the lands delineated by heavy lines on Map 2 attached to and forming part of this By-law;
 - (b) no portion of any *building* erected or used above *grade* is located otherwise than wholly within the areas delineated by heavy lines as shown on Map 2 attached to and forming part of this By-law;
 - (c) notwithstanding Section 3(b) of this By-law, the following elements may project beyond the heavy lines shown on Map 3 providing they are wholly within the *lot*:
 - (i) cornices, eaves, lighting fixtures, vents and window sills to a maximum of 0.3 metres;
 - (ii) awnings, balconies, balustrades, guardrails, privacy screens, terraces and trellises to a maximum of 1.7 metres;
 - (iii) canopies to a maximum of 3.0 metres; and
 - (iv) underground garage ramps and their associated structures.
 - (d) no portion of any *building* or structure erected or used above *grade* shall exceed the *height* limits in metres specified by the numbers following the letter "H" as shown on Map 3 attached to and forming part of this By-law;
 - (e) notwithstanding Section 3(d) of this By-law, the following elements shall project above the *heights* shown on Map 3:
 - (i) insulation, pavers and terraces to a maximum of 0.5 metres;
 - (ii) balustrades, parapets and planters to a maximum of 1.5 metres;
 - (iii) fences, ornamental features, privacy screens, trellises to a maximum of 3.0 metres;

- (iv) chimneys, guardrails, mechanical elements, outdoor amenity space, rooftop swimming pool and deck structure, stacks, vents and window washing equipment to a maximum of 5.0 metres; and
- (v) despite (i), (ii) and (iii) above, only chimneys, elevator overruns, parapets and vents are permitted to project above the height of the mechanical penthouse, and only to a maximum of 1.0 metres, within the area of the mechanical penthouse shown on Map 3;
- (f) the maximum *residential gross floor area* of all *buildings* or structures erected within the *lot* shall not exceed 14,300 square metres;
- (g) the maximum number of *dwelling units* shall be 180, of which a minimum of 79 *dwelling units* shall have 2 bedrooms or more;
- (h) *parking spaces* shall be provided on the *lot* in accordance with the following minimum rates:
 - (i) 0.22 *parking spaces* for each bachelor *dwelling unit*;
 - (ii) 0.51 *parking spaces* for each one-bedroom *dwelling unit*;
 - (iii) 0.73 *parking spaces* for each two-bedroom *dwelling unit*;
 - (iv) 0.88 *parking spaces* for each three or more bedroom *dwelling unit*; and
 - (v) 0.03 *parking spaces* per *dwelling unit* for visitors.
- (i) the minimum number of *bicycle parking spaces* provided and maintained on the *lot* shall be 180;
- (j) an accessible *parking space* must have the following minimum dimensions:
 - (i) length of 5.6 metres;
 - (ii) width of 3.4 metres;
 - (iii) vertical clearance of 2.1 metres; and
 - (iv) the entire length of an accessible *parking space* must be adjacent to a 1.5 metre wide accessible barrier free aisle or path.
- (k) a minimum of 5 *parking spaces* plus 1 *parking space* for every 50 *parking spaces* or part thereof in excess of 100 *parking spaces* must comply with all regulations for an accessible *parking space*;
- (l) A minimum of one *loading space – Type G* shall be provided and maintained on the *lot*; and
- (m) a minimum of 40 percent of the area of the *lot* will be for *landscaping*, of which 38 percent must be *soft landscaping*.

4. For the purpose of this By-law, each word or expression that is italicized in this By-law shall have the same meaning as such word or expression as defined in By-law 438-86, as amended, with the exception of the following:

"building envelope" means a building envelope as delineated by heavy lines on Map 2 attached to and forming part of this By-law;

"grade" means 163.1 metres Canadian Geodetic Datum;

"residential gross floor area" means the sum 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, and reduced by the area of the *building* used for: parking, loading and *bicycle 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; shower and change facilities required by this By-law for required bicycle parking spaces; amenity space required by this By-law; elevator shafts; garbage shafts; mechanical penthouse; and exit stairwells in the *building*;

"height" means the highest point of the roof above *grade*, except for those elements prescribed by this By-law;

"lot" means those lands delineated by heavy lines on Map 2 attached to and forming part of this By-law;

"owner" means the owner of the *lot* or any part thereof; and

"sales or leasing office" means a temporary building, structure, facility or trailer on the *lot* used for the purpose of the sale or leasing of *dwelling units* to be erected on the *lot*.

5. 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.
6. Within the lands delineated by heavy lines on Map 2 attached, no persons shall use any land or erect or use any building or structure on the *lot* 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. Section 39 Provisions

- (a) *A temporary sales or leasing facility* is permitted in a temporary *building, structure, or trailer* on the *lot* for the purpose of the sale or leasing of *dwelling units* on the *lot*. The maximum permitted non-residential *gross floor area* for a *temporary sales or leasing facility* shall be 250 square metres. The temporary sales or leasing facility shall be permitted for a period of three years from the date the by-law comes into full force and effect.

8. 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 on Map 2 at the owner's expense of the facilities, services and matters set out in Schedule A of this By-law 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 pursuant to this By-law unless all provisions of Schedule A are satisfied.

PURSUANT TO THE DECISION OF THE LOCAL PLANNING APPEAL TRIBUNAL
ISSUED ON NOVEMBER 15, 2018 AND ORDER ISSUED JUNE 18, 2019 UNDER LPAT
CASE PL160564

Schedule A
Section 37 Provisions

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 lands as shown in Map 2 of this By-law and secured in an agreement or agreements under 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 agreement:

- a. Prior to issuance of an above grade building permit, the Owner shall make an indexed cash contribution to the City in the amount of \$1,000,000.00 to be allocated at the discretion of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor, for capital facilities within proximity of the site within the Ward including:
 - i. Above-base on-site parkland improvements;
 - ii. Public realm improvements in the Yonge-Eglinton Area;
 - iii. The Davisville Community Centre recreational facilities; and
 - iv. Additional community services and facilities in the Yonge-Eglinton Area.
- b. Such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Local Planning Appeal Tribunal decision to the date the payment; all cash contributions will be payable prior to issuance of the first above grade building permit.
- c. In the event the cash contribution referred to in Section a has 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 local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.





