

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

CITY OF TORONTO

BY-LAW 1094-2019(LPAT)

To amend Zoning By-law 569-2013, as amended, with respect to 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 City of Toronto Zoning By-law 569-2013, 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, 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 increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013, 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 569-2013 is further amended as follows:

1. The lands subject to this By-law are outlined by heavy black lines as shown on Diagram 1 attached to and forming part of this By-law.
2. For the purpose of this By-law, the words highlighted in **bold** type have the meaning provided in Zoning By-law 569-2013, as amended, Chapter 800 Definitions.

3. The Zoning By-law Map of By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map to R (d0.6) (61) and O for the lands outlined by heavy black lines and shown on Diagram 2 of By-law 1094-2019(LPAT).
4. Zoning By-law 569-2013 is amended by adding to Chapter 900.2.10 Exception Number 61, so that it reads:

Exception R (61)

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing Bylaws and Prevailing Sections.

Site Specific Provisions:

- (A) On 174-188 Soudan Avenue and 71 and 73 Redpath Avenue, if the requirements of Section 6 and Schedule A of By-law 1094-2019(LPAT) are complied with, a **building, structure**, addition or enlargement may be constructed or erected in compliance with regulations (B) to (R) below.
- (B) Despite regulation 5.10.40.70(1), and Clause 10.10.40.70, the required minimum **building setbacks** are as shown on Diagram 3 of By-law 1094-2019(LPAT).
- (C) For purposes of this exception, **established grade** is the Canadian Geodetic Datum elevation of 163.1 metres in the year 2017.
- (D) Despite regulations 10.5.40.70(1) and 10.10.40.10(1), no portion of any **building** may exceed the height in metres specified by the numbers following the symbol HT on Diagram 3 of By-law 1094-2019(LPAT).
- (E) Despite (D) above, in addition to those elements listed in regulation 10.5.40.10(3) the following **building** elements and **structures** are permitted to extend above the heights shown on Diagram 3 of By-law 1094-2019(LPAT);
 - (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 Diagram 3.

- (F) Despite regulation 10.5.50.10(4), a minimum of 40 percent of the area of the **lot** must be **landscaping**, of which 38 percent must be **soft landscaping**.
- (G) In addition to those elements listed in clause 10.5.40.60, the following **building** elements and **structures** are permitted to extend into the required **building setbacks** shown on Diagram 3 of By-law 1094-2019(LPAT):
- (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.
- (H) Despite regulation 10.10.40.1(3) the permitted maximum number of **dwelling units** is 180, of which a minimum of 79 **dwelling units** must have 2 bedrooms or more.
- (I) Despite regulation 10.10.40.40(1) the permitted maximum **gross floor area** of all **buildings** or **structures** must not exceed 14,300 square metres.
- (J) Despite regulation 200.5.10.1(1), **parking spaces** must be provided at a minimum rate of:
- (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.
- (K) Notwithstanding regulation 200.15.1(1), 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.

- (L) Notwithstanding regulation 200.15.10(1), 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**.
- (M) Despite clause 220.5.10.1 a minimum of one **loading space – Type G** must be provided and maintained on the **lot**.
- (N) Despite regulation 230.5.10.1(1) the required minimum number of **bicycle parking spaces** provided and maintained on the **lot** is 180, of which 18 shall be "short-term" **bicycle parking spaces** and 162 shall be "long-term" **bicycle parking spaces**.
- (O) Regulation 10.5.40.10(4), with respect to horizontal limits on elements for functional operation of a building, does not apply.
- (P) Regulation 10.5.50.10(4), with respect to a minimum **soft landscaping** strip, does not apply.
- (Q) Regulation 10.5.100.1(5), with respect to driveway access to an **apartment building**, does not apply.
- (R) Regulation 10.10.40.30(1), with respect to **building depth**, does not apply.

Prevailing By-laws and Prevailing Sections (None Apply)

5. 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.

6. 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 Diagram 1 in return for the provision by the owner, 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.

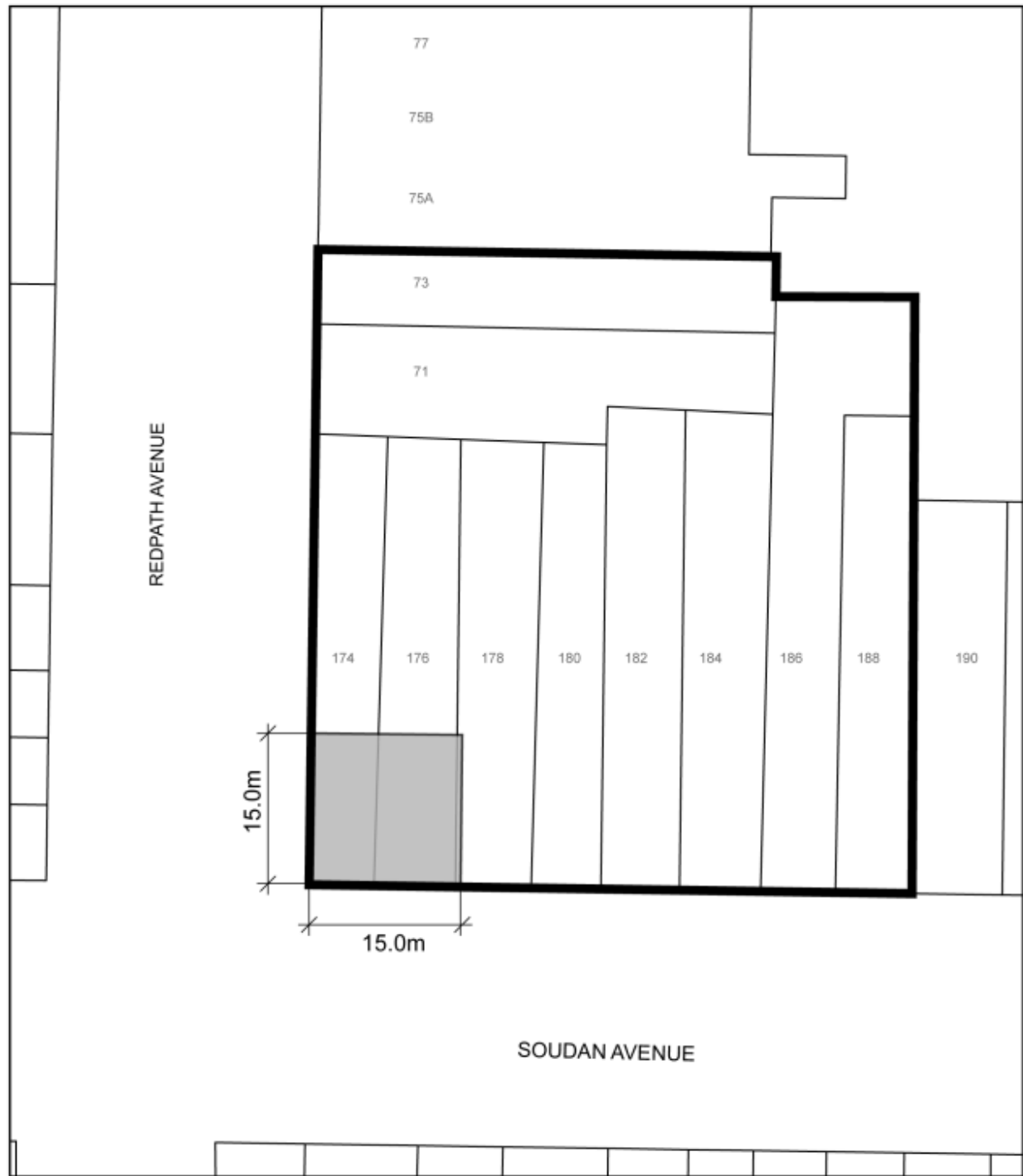
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

PURSUANT TO THE DECISION OF THE LOCAL PLANNING APPEAL TRIBUNAL
ISSUED ON NOVEMBER 15, 2018 AND ORDER ISSUED JUNE 18, 2019 UNDER LPAT
FILE 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 1 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 is made; 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.




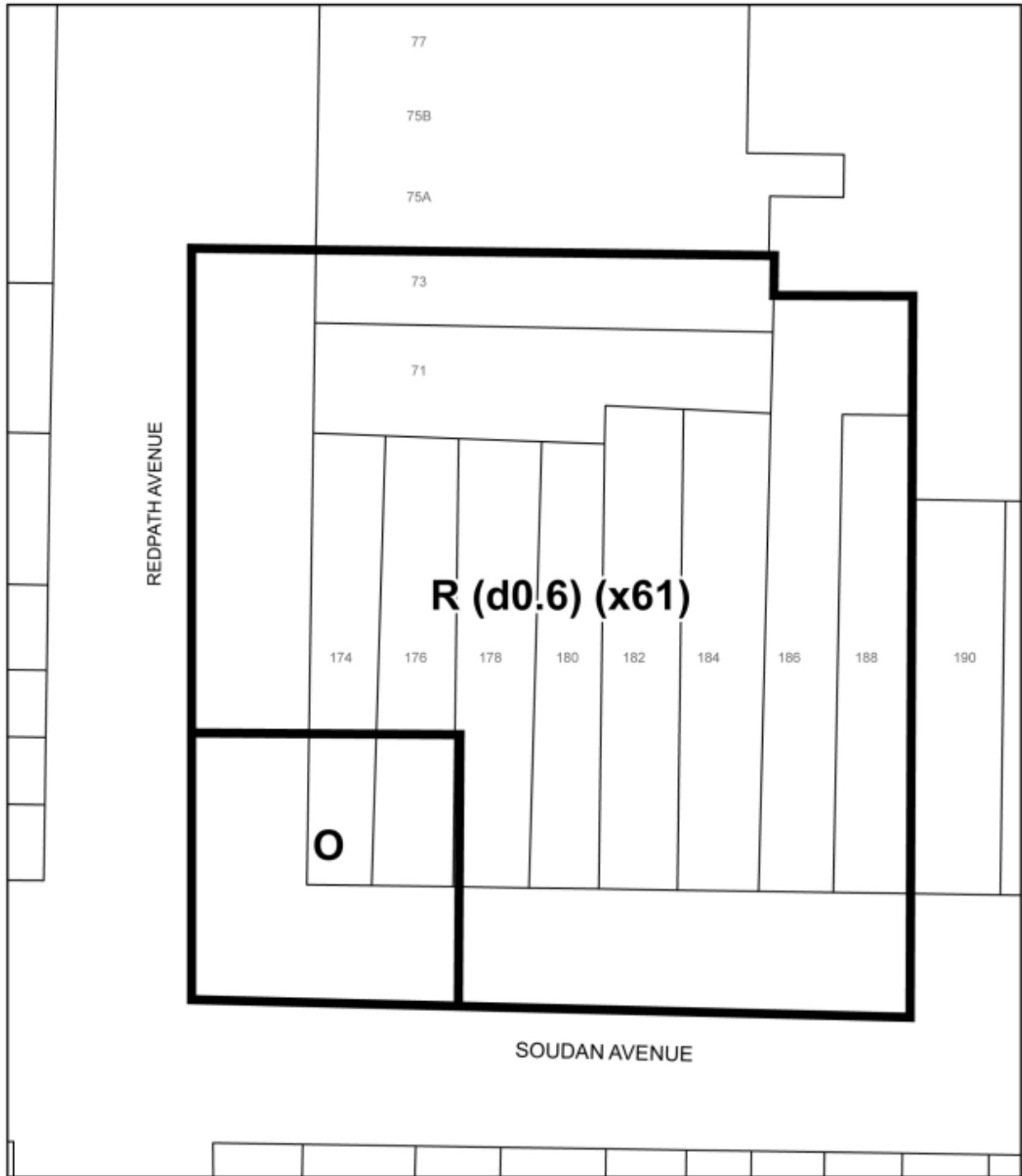
 **TORONTO**
Diagram 1

**174-188 Soudan Avenue
& 71-73 Redpath Avenue**

File # 15 247245 STE 22 0Z

 Parkland Dedication


City of Toronto By-law 569-2013
Not to Scale
5/14/2019



 **TORONTO**
Diagram 2

**174-188 Soudan Avenue
& 71-73 Redpath Avenue**
File # 15 247245 STE 22 0Z

