

Authority: Ontario Municipal Board Decision issued on March 1, 2013 and Order issued on November 13, 2014 in OMB Case and File PL110639

CITY OF TORONTO

BY-LAW 1546-2019(OMB)

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2014 as, 73, 75, 77 and 79 Keewatin Avenue and 88 Erskine Avenue.

Whereas authority is given to the Ontario Municipal Board by Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended to enact this By-law; and

Whereas the Official Plan for the City of Toronto contains 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 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, the 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

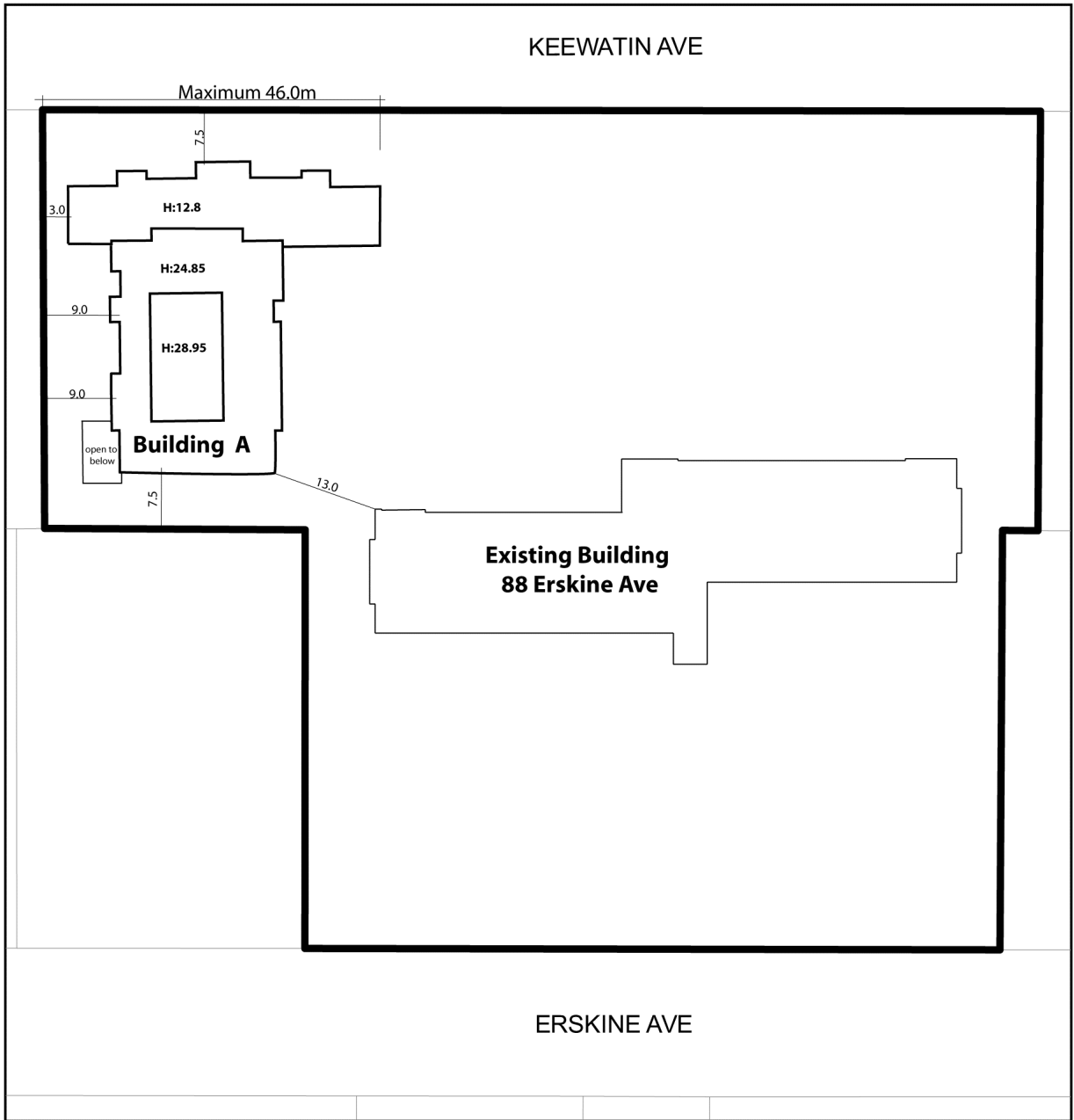
Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 438-86 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

Therefore, pursuant to the Decision and Order of the Ontario Municipal Board issued on March 1, 2013 and November 13, 2014, former City of Toronto Zoning By-law 438-86, as amended, is further amended as follows:

1. None of the provisions of former City of Toronto By-law 362-67, By-law 400-67, By-law 483-79, Section 2 with respect to the definitions of the terms lot and grade, Sections 4(2), 4(4)(b), 4(6)(c), 4(11)(b) and (c), 4(12), 6(3) PART I, 6(3) PART II AND 6(3) PART III of the former City of Toronto Zoning By-law 438-86, being "A By-law to regulate the use of land 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 erection of *Building A* as shown on Map B, together with the retention of the *existing building* on the *lot* provided that:

- (a) the *lot* shall consist of the lands delineated by heavy lines on Map A attached to and forming part of this By-law;
- (b) Not more than 80 *dwelling units* are permitted in *Building A* on the *lot*;
- (c) The total residential gross floor area erected or used in *Building A* on the *lot* shall not exceed 7,200 square metres;
- (d) No portion of *Building A* erected or used above finished ground level is located outside the areas delineated by heavy lines shown on Map B attached to and forming part of this By-law, with the exception of the following:
 - (a) Lighting fixtures, cornices, sills, eaves, canopies, parapets, railings, privacy screens, terraces, planters, balustrades, bollards, stairs, stair enclosures, wheel chair ramps, ornamental or architectural features, and landscape features may extend beyond the heavy lines shown on the attached Map B;
- (e) No portion of *Building A* shall have a greater *height* in metres above *grade*, than the *height* in metres specified by the numbers following the symbol H on the attached Map B, provided this does not prevent:
 - (a) The erection or use of the structures, elements and enclosures permitted by Section 1(d)(a) of this By-law subject to parapets and railings having a maximum vertical projection of 1.5 metres above the height limits shown on Map B;
 - (b) Roof top stacks and vents to a maximum vertical projection of 3.0 metres above the height limits shown on Map B.
- (f) A minimum of 345 and a maximum of 370 parking spaces for residents shall be provided and maintained on the *lot*.
- (g) A minimum of 57 and maximum of 70 parking spaces for visitors shall be provided and maintained on the *lot*.
- (h) A minimum of 37 *bicycle parking spaces* shall be provided and maintained for *Building A*.
- (i) A maximum of one *loading space – type B* and one *loading space - type G* shall be provided and maintained on the *lot*.
- (j) A minimum of 2.0 square metres of indoor *residential amenity space* per unit shall be provided in *Building A*.
- (k) A minimum of 4,500 square metres of outdoor *residential amenity space* is to be provided and maintained on the *lot*.
- (l) One controlled access driveway from Keewatin Avenue shall be permitted to serve the *existing building* at 88 Erskine Avenue.

- (m) 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 A in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof 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.
- (n) Within the lands shown on Map A attached to this By-law, no person shall use any land or erect 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.
- (o) Despite any future severance, partition or division of the *lot* as shown on Map A, the provisions of this By-law shall apply as if no severance, partition or division occurred.
- (p) For the purposes of this By-law, each word or expression that is italicized in this By-law shall have the same meaning as each word or expression as defined in the said By-law 438-86, as amended, with the exception of the following terms:
- (a) "*existing building*" means the building identified as "Existing Building – 88 Erskine Avenue" on Map B and including accessory buildings and structures located on the *lot* in the year 2014;
 - (b) "*grade*" means 160.40 metres Canadian Geodetic Datum;
 - (c) "*Building A*" means the building identified as "*Building A*" on Map B.



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 on Map A in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

1. Prior to the issuance of any building permit, including any permit for excavation, shoring or demolition, the Owner shall provide the City, to the satisfaction of the Chief Planner and Executive Director, City Planning:
 - (i) a Construction Mitigation Plan; and
 - (ii) a Tenant and Resident Communication Strategy.
2. Prior to the issuance of the first above-grade building permit, other than for a temporary sales office, the *owner* shall:
 - (i) at its sole expense, provide the following improvements to the Existing Rental Building at 88 Erskine Avenue to the satisfaction of the Chief Planner and Executive Director, City Planning:
 - a. renovate the existing outdoor space on the rooftop patio adjacent to the pool area to create an amenity area for tenants of the Existing Rental Building, such renovations to include seating, tables, BBQ area, sun shelter and planter boxes for plantings; and
 - b. provide new furniture for the existing indoor pool area.
 - (ii) provide the City with a letter of credit in the amount of \$85,000 to secure improvements above the base park condition to the parkland along Keewatin Avenue to be transferred to the City pursuant to section 42 of the Planning Act;
 - (iii) provide the City with a payment in the amount of \$25,000 to be directed towards off-site streetscape and street tree improvements in the Yonge-Eglinton Apartment Neighbourhood area, in consultation with the Ward Councillor; and
 - (iv) convey to the City a public walkway easement with support rights over the lands on the east side of the *existing building*, as shown on the Overall Landscape Plan, Drawing L-104, prepared by Terraplan Landscape Architects, dated August 13, 2014, for nominal consideration, to the satisfaction of the City Solicitor.
3. The amounts identified in 2(ii) and 2(iii) above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the Owner to the City.

4. The Construction Mitigation Plan identified in 1(i) above and the Tenant and Resident Communication Strategy identified in 1(ii) above shall be implemented by the Owner.
5. The owner shall provide a Tenant Relocation and Assistance Plan to the satisfaction of the Chief Planner and Executive Director, City Planning, that requires the owner to provide for each eligible tenant at 73-79 Keewatin Avenue an available unit within the owner's housing portfolio, assistance that includes at least a moving allowance and other financial assistance on a sliding scale geared to the length of occupancy of each tenant, with provisions for special needs tenants.