

Authority: Local Planning Appeal Tribunal Decision
issued on September 26, 2018 and Order issued on
October 9, 2020 in File PL161134

CITY OF TORONTO

BY-LAW 1010-2020(LPAT)

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to lands municipally known in the year 2019 as 250 Lawrence Avenue West and 219 Glengarry Avenue.

Whereas the Local Planning Appeal Tribunal pursuant to its Decision issued on September 26, 2018 and Order issued on October 9, 2020, upon hearing an appeal under Section 34(11) of the Planning Act R.S.O. 1990, c. P.13, as amended, deems it advisable to amend By-law 438-86, as amended, for the City of Toronto with respect to lands municipally known as 250 Lawrence Avenue West and 219 Glengarry Avenue; and

Whereas the Official Plan for the City of Toronto contains such provision 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 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 service 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 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

By-law 438-86, as amended, of the former City of Toronto is further amended by the Local Planning Appeal Tribunal as follows:

1. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*.
2. The lands subject to this By-law are outlined by heavy black lines on Map 1 attached to this By-law.

3. Zoning By-law 438-86, as further amended by amending the zone labels on Map 50M-312, respecting the lands outlined in heavy black lines to R and G and Gr as shown on Map 2.
4. None of the provisions of Section 2 of By-law 438-86, as amended, with respect to the definition of the terms *lot*, *grade*, *height*, *loading space – type G*, and Sections 4(2), 4(4)(b), 4(10), 4(12), 4(13), 4(16), 4(17), Section 5(1), Section 6(3) PART I, 6(3) PART II, 6(3) PART III, 6(3) Part IV 3, 4, and Section 12(1)(20) of By-law 438-86 as amended, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of land and other matters relating to buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection and use of a *residential apartment building*, on the lands municipally known as 250 Lawrence Avenue West and 219 Glengarry Avenue, provided:
 - (a) the *lot* comprises the lands delineated by heavy lines on Map 3 attached to and forming part of this By-law;
 - (b) The *residential gross floor area* erected on the lands shown on Map 3 does not exceed 14,000 square metres;
 - (c) no portion of any building or structure shall extend beyond the solid and dashed lines delineating the building envelope on Map 3 attached hereto, with the exception of cornices, lighting fixtures, awnings, canopies, architectural features, ornamental elements, parapets, trellises, balconies, balcony roof or canopies, privacy and mechanical screening, columns, eaves, window sills, chimneys, vents, stacks, mechanical fans, guardrails, balustrades, railings, stairs, covered stairs or stair enclosures, retaining walls, monitor wells, driveways, bicycle parking areas, walkways, patios, fences and safety railings, planters, balustrades,, wheelchair ramps, underground garage ramps and their associated structures and landscape features, all of which may extend beyond the heavy lines on the attached Map 3 within the *lot*;
 - (d) The *height* of any building or structure, or portion thereof, does not exceed those *heights* as indicated by the numbers following the symbol H on the attached Map 3;
 - (e) the minimum setbacks of the residential buildings above *grade*, erected on the *lot* from all *lot lines* shall be as shown on Map 3 attached hereto and forming part of this By-law;
 - (f) the permitted maximum number of **dwelling units** on the **lot** is 173, of which a minimum of 8 **dwelling units** must have 3 bedrooms;
 - (g) a minimum of 2.0 square metres of indoor *residential amenity space* shall be provided for each *dwelling unit*;
 - (h) a minimum of 2.0 square metres of outdoor *residential amenity space* shall be provided for each *dwelling unit*;

-
- (i) a minimum number of *parking spaces* shall be provided and maintained on the *lot* at the following rates per *dwelling unit* type:
 - i. 0.8 spaces per 1-Bedroom *dwelling unit*;
 - ii. 0.9 spaces per 2-Bedroom *dwelling unit*;
 - iii. 1.1 spaces per 3-bedroom *dwelling unit*;
 - (j) a maximum number of 2 *car-share parking spaces*, dedicated to *car-sharing*, may be provided and maintained on the *lot*, with each *car-share parking space* being considered for the purpose of this by-law to reduce the number of resident *parking spaces* otherwise required by 3 *parking spaces* (for a total maximum reduction of 6 *parking spaces*);
 - (k) a minimum number of visitor *parking spaces* shall be provided and maintained on the *lot* at the following rate for each *dwelling unit*:

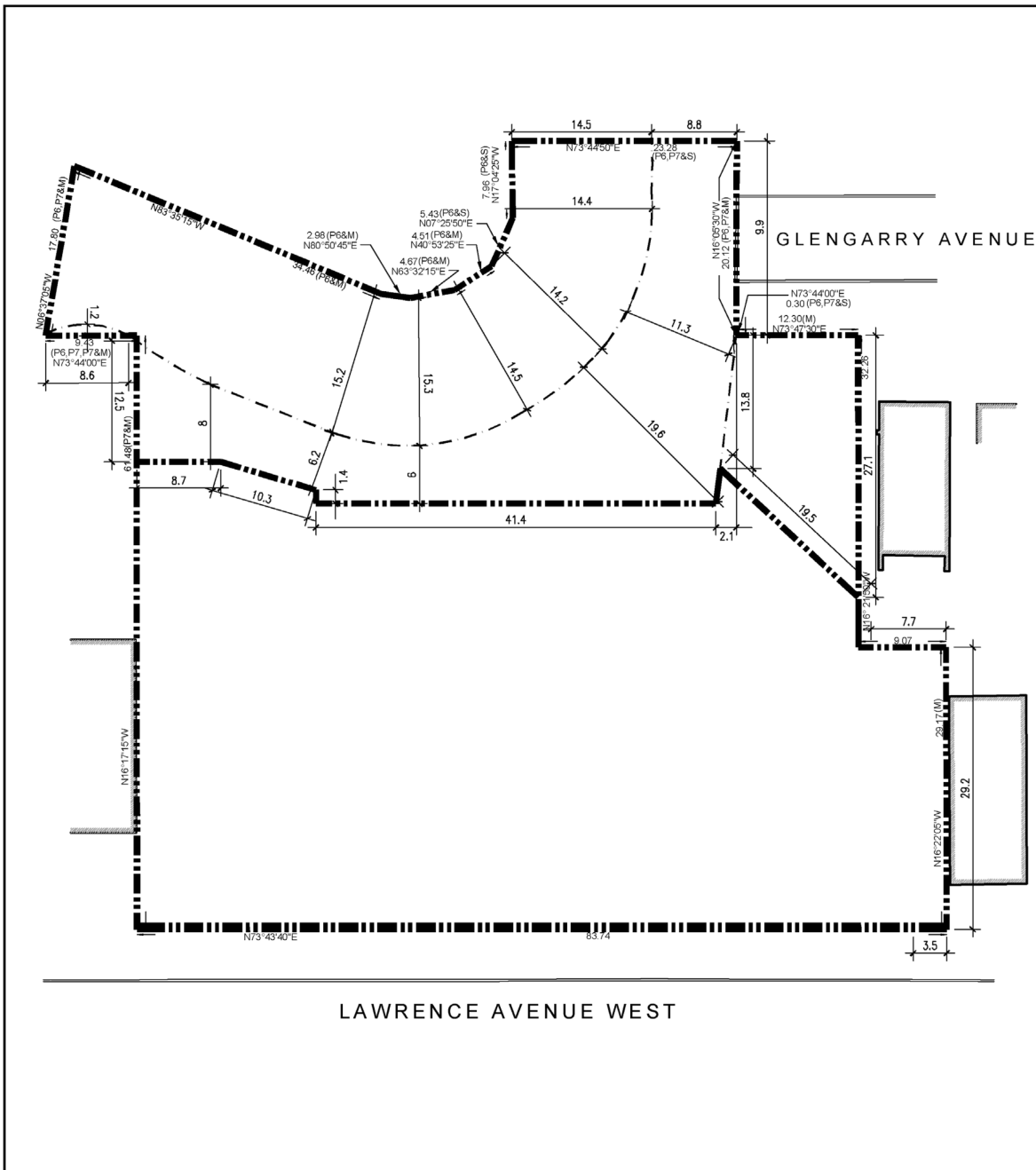
Visitor Parking - 0.15 spaces per *dwelling unit*;
 - (l) the soft *landscaped open space* on the *lot* shall be no less than 335 square metres.
5. Bicycle parking spaces shall be provided and maintained on the *lot* in accordance with the following requirements:
- (a) Occupant *bicycle parking spaces* are *bicycle parking spaces* for use by the occupants or tenants of a building;
 - (b) Visitor *bicycle parking spaces* are for use by visitors to a building; and
 - (c) A minimum of .68 *bicycle parking spaces* for each dwelling units, allocated as occupant bicycle parking spaces and a minimum of .07 bicycle parking spaces for each dwelling unit allocated as visitor bicycle parking spaces.
6. None of the provisions of By-law 438-86 of the former City of Toronto, as amended, or of this by-law shall apply to prevent the erection or use on the *lot* of a temporary sales office for the purpose of marketing and sale/lease of the dwelling units permitted on the *lot*.
7. For the purposes of this By-law, the terms set forth in italics shall have the same meaning as such terms have for the purposes of By-law 438-86, as amended, except that the following definitions shall apply:
- (a) *Car-sharing* means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;

-
- (b) *Car-share parking space* shall mean a *parking space* that is exclusively reserved and actively used for *car-sharing*;
 - (c) "*bicycle parking space*" means an area that is equipped with a bicycle rack, bicycle ring, bicycle stacker or bicycle locker for the purpose of parking and securing bicycles;
 - (i) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and vertical dimension of at least 1.9 metres;
 - (ii) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
 - (iii) notwithstanding (a) and (b) above, where the bicycles are to be parking in a stacker, being a device that allows parking spaces to be positioned above or below one another with the aid of an elevating mechanism, the parking space within the stacker shall have horizontal dimensions of at least 1.8 metres by 0.6 metres, and the stacker shall be located in an area with a vertical dimension of at least 2.4 metres;
 - (d) *Established Grade* means 169.95 metres Canadian Geodetic Datum; and
 - (e) *Type G Loading Space* means a loading space that is a minimum of 4.0 metres wide, 13.0 metres long and has a minimum vertical clearance of 6.1 metres.
8. Notwithstanding any severance, division, or conveyance of the lot subject to the exception, the regulations of this exception shall continue to apply to the whole of the lot.
 9. 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 provision is complied with:
 - (a) All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
 10. 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 1 subject to compliance with all of the conditions set out in this By-law, including the provision by the owner of lot of the facilities, services and matters set out in Schedule A hereof, to the City at the owner's expense and in accordance with and subject to the agreement referred to in Section 2 of this By-law.
 11. Upon execution and registration of an agreement or agreements with the owner of the lot pursuant to Section 37 of the Planning Act securing the provision of the facilities, services or matters set out in Schedule A hereof, the lot is subject to the provision of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter of the payment of any monetary contribution as a precondition

to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the aid requirements.

- 12.** Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement(s) being entered into with the City pursuant to Section 37 of the Planning Act, then once such agreement(s) 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.
- 13.** The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to the By-law unless all provisions of Schedule A are satisfied.


Local Planning Appeal Tribunal Decision issued September 26, 2018 and Order issued on October 9, 2020 in File PL161134.

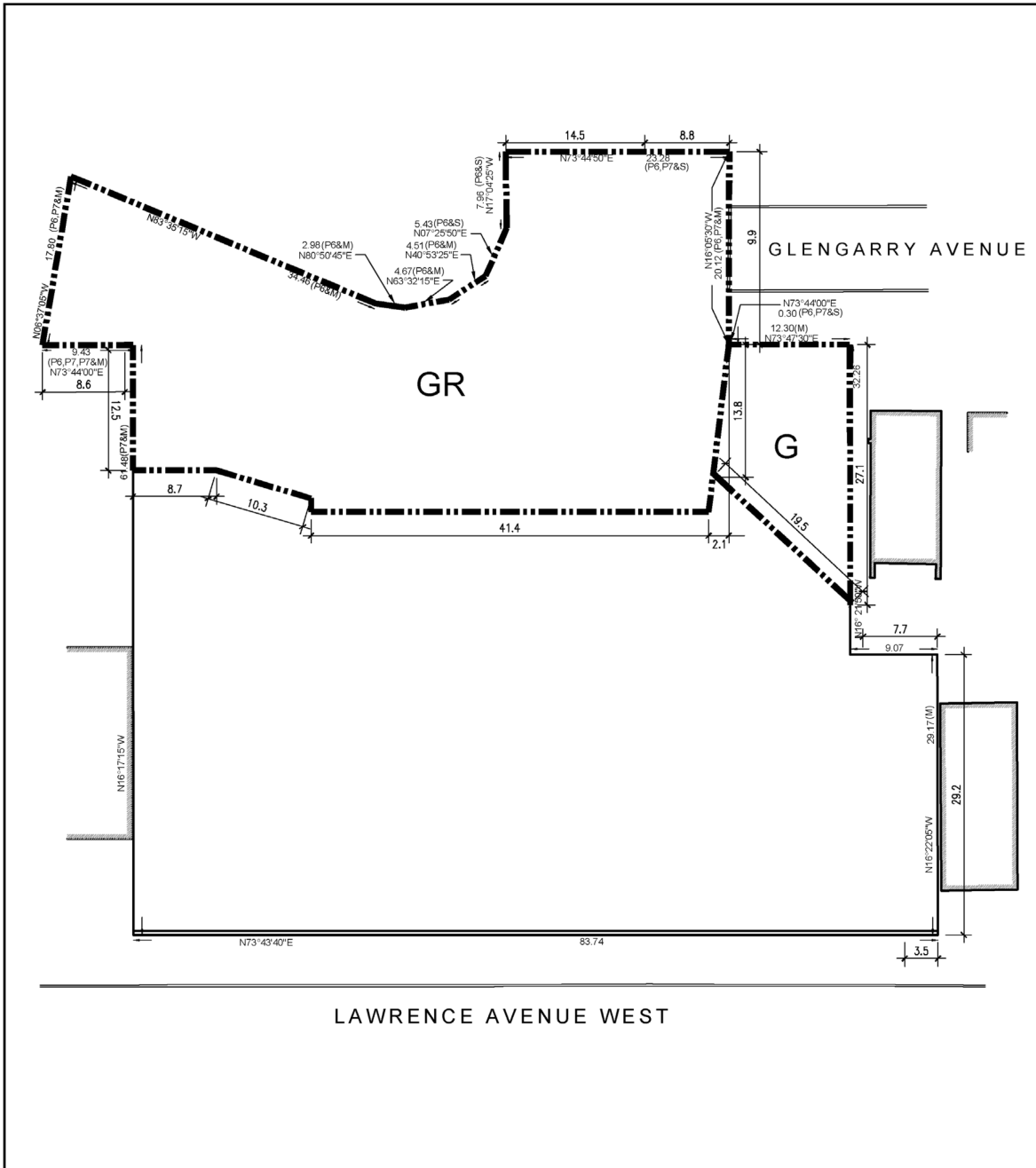


250 Lawrence Avenue West & 219 Glengarry Avenue

Map 1

File # 15 133424 NNY 16 0Z


 Former City of Toronto By-law 438-86
 Not to Scale
 08/20/2020

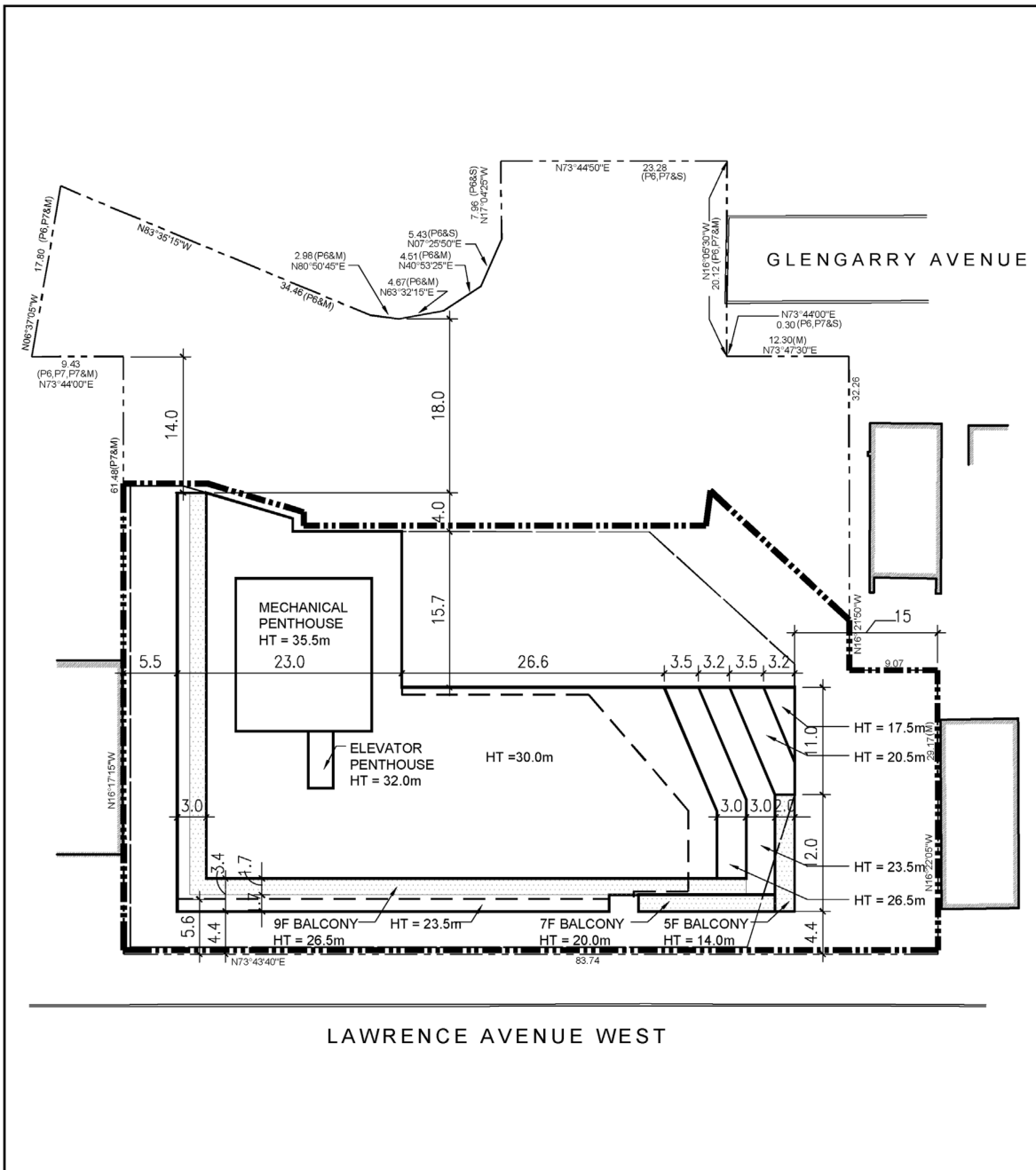


250 Lawrence Avenue West & 219 Glengarry Avenue

Map 2

File # 15 133424 NNY 16 0Z



 Former City of Toronto By-law 438-86
 Not to Scale
 08/20/2020



250 Lawrence Avenue West & 219 Glengarry Avenue

Map 3

File # 15 133424 NNY 16 0Z


 Former City of Toronto By-law 438-86
 Not to Scale
 08/20/2020

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 3 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 the first above grade building permit the owner shall provide the City a cash contribution of \$1,400,000.00 indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment and to be allocated towards the revitalization of the Douglas Greenbelt or other parks in the area to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
2. In the event the cash contribution referred to above has not been used for the intended purpose within three (3) years of the 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, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
3. The owner shall provide, at its own expense, the design and construction of Above Base Park Improvements to the on-site parkland dedication, to the satisfaction of the General Manager, Parks, Forestry and Recreation, subject to City Council approving a development charge credit for these works and in accordance with Section (5) below. The conveyance of the parkland dedication shall be in environmental condition, satisfactory to the General Manager, Parks, Forestry and Recreation, in accordance with the City standards and would occur prior to the earlier of the registration of a condominium and three years after the date of any execution of any part of the Section 37 Agreement.
4. Prior to the issuance of the first above grade building permit, the owner shall submit a cost estimate and plans for the Base Park Improvements, to the satisfaction of the General Manager, Parks, Forestry and Recreation. Prior to the issuance of the first above grade building permit, the owner shall also post an irrevocable Letter of Credit in the amount of 120 percent of the value of the Base Park Improvements for the parkland, to the satisfaction of the General Manager, Parks, Forestry and Recreation. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with Base Park Improvements.

The stockpiling of any soils or materials or use as an interim construction staging area on the conveyed parkland is prohibited unless an agreement, other than a parks access agreement been obtained from the Director Real Estate Services. The agreement, if approved, will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, duration, restoration plan and costs, and

compensation to the satisfaction of the General Manager, Parks, Forestry and Recreation. The agreement must be secured prior to stockpiling of any soils or materials or use as an interim construction staging area on the parkland, after conveyance to the City. The owner will indemnify the City against any claim during any interim use of or work carried out by the owner on the park. Any compensation accrued shall be applied to park improvements within the ward in consultation with the Ward Councillor.

The construction of the Base Park Improvements will be deferred to correspond with the completion of Above Base Park Improvements, to the satisfaction of the General Manager, Parks, Forestry and Recreation, as set out in Section (5) below.

5. The owner agrees to design and construct the Above Base Park Improvements to the new park for a development charge credit against the Parks and Recreation component of the Development Charges to the satisfaction of the General Manager, Parks, Forestry and Recreation. The owner is required to submit a design and cost estimate, to the satisfaction of the General Manager, Parks, Forestry and Recreation, and a letter of credit equal to 120 percent of the cost estimate and ultimately the letter of credit will be required prior to the issuance of the first above grade building permit, to the satisfaction of the General Manager, Parks, Forestry and Recreation. The Base Park Improvements and Above Base Park Improvements shall be completed prior to the registration of a condominium subject to extension for seasonality satisfactory to Parks, Forestry and Recreation. Should the completion of the Base Park Improvements and Above Base Park Improvements not be completed prior to one year from the day the parkland is conveyed in fee simple to the City, Parks, Forestry and Recreation may draw from Letters of Credit in order to complete the park construction, subject to extension satisfactory to Parks, Forestry and Recreation for seasonality.
6. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - i. The owner shall provide, at its own expense, an approximate area of 304 square metres of privately-owned publically-accessible space (POPS) and grant access easements to the city for the purpose of access to and use of the POPS for members of the public, prior to the earlier of the registration of a condominium or the residential occupancy of any part of the proposed development. This POPS easements are to be conveyed to the City for nominal consideration and are to be free and clear of all physical and title encumbrances other than those acceptable to the City Solicitor. The owner shall own, operate, maintain and repair the POPS. The owner shall install and maintain a centralized sign, at its own expense, stating that members of the public shall be entitled to use the POPS from 6:00 a.m. to 12:01 a.m. 365 days of the year.
 - ii. The owner shall, prior to the issuance of the first above grade building permit, register a Section 118 Restriction pursuant to the Land Titles Act, in priority, against title to the parcel of land to be conveyed in fee simple to the City for the purpose of the on-site parkland dedication, to the satisfaction of the City Solicitor, until such time that the lands are conveyed to the City, to the satisfaction of the General Manager, Parks, Forestry and Recreation.

- iii. The owner shall, prior to the issuance of the first above grade building permit, provide payment for the value of the cash-in-lieu for 296.4 square metres of parkland dedication, to be appraised through Real Estate Services, to the satisfaction of the General Manager, Parks, Forestry and Recreation.