

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 1011-2020(LPAT)

To amend Zoning By-law 569-2013, as amended, with respect to the 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 569-2013, 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 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 569-2013 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;

By-law 569-2013, as amended, of the City of Toronto is further amended by the Local Planning Appeal Tribunal as follows:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.

3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning Map in Section 990.10 respecting the lands outlined by heavy black lines to O as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by amending the Height Overlay Map in in Section 995.20.1 to apply a null value to the lands labelled as ON and OR on Diagram 2 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by deleting and replacing Article 900.2.10 Exception Number 980 so that it reads:

(980)Exception R 980

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

Site Specific Provisions:

- (A) On 250 Lawrence Avenue West and 219 Glengarry Avenue, if the requirements of Section 8 and Schedule A of By-law 1011-2020(LPAT) are complied with, a **building or structure** may be erected or constructed in compliance with (B) to (M) below;
- (B) For the purposes of this exception, the **established grade** is the Canadian Geodetic Datum elevation of 169.95;
- (C) Despite regulation 10.5.50.10(4), a minimum of 335 square metres of **landscaping** must be provided on the **lot**, and all of which must be provided as **soft landscaping**;
- (D) Despite regulation 10.5.50.10(5), the **lot** must have a minimum 0.85 metre wide strip of **soft landscaping** abutting the west **lot line**;
- (E) Despite regulation 10.10.40.1 (3), the permitted maximum number of **dwelling units** on the **lot** is 173, of which a minimum of 8 **dwelling units** must have 3 bedrooms;
- (F) Despite regulation 10.10.40.10(1), the permitted maximum height of a **building or structure** is the height in metres specified by the numbers followed by the symbol "HT" on Diagram 3 attached to By-law 1011-2020(LPAT);
- (G) Despite regulation 10.10.40.10(9) the height of unenclosed **structures** providing safety or wind protection to rooftop **amenity space** may exceed the permitted maximum height for that **building** by 5.0 metres;
- (H) Despite regulation 10.10.40.30(1)(B) the permitted maximum **building depth** is 43.0 metres;

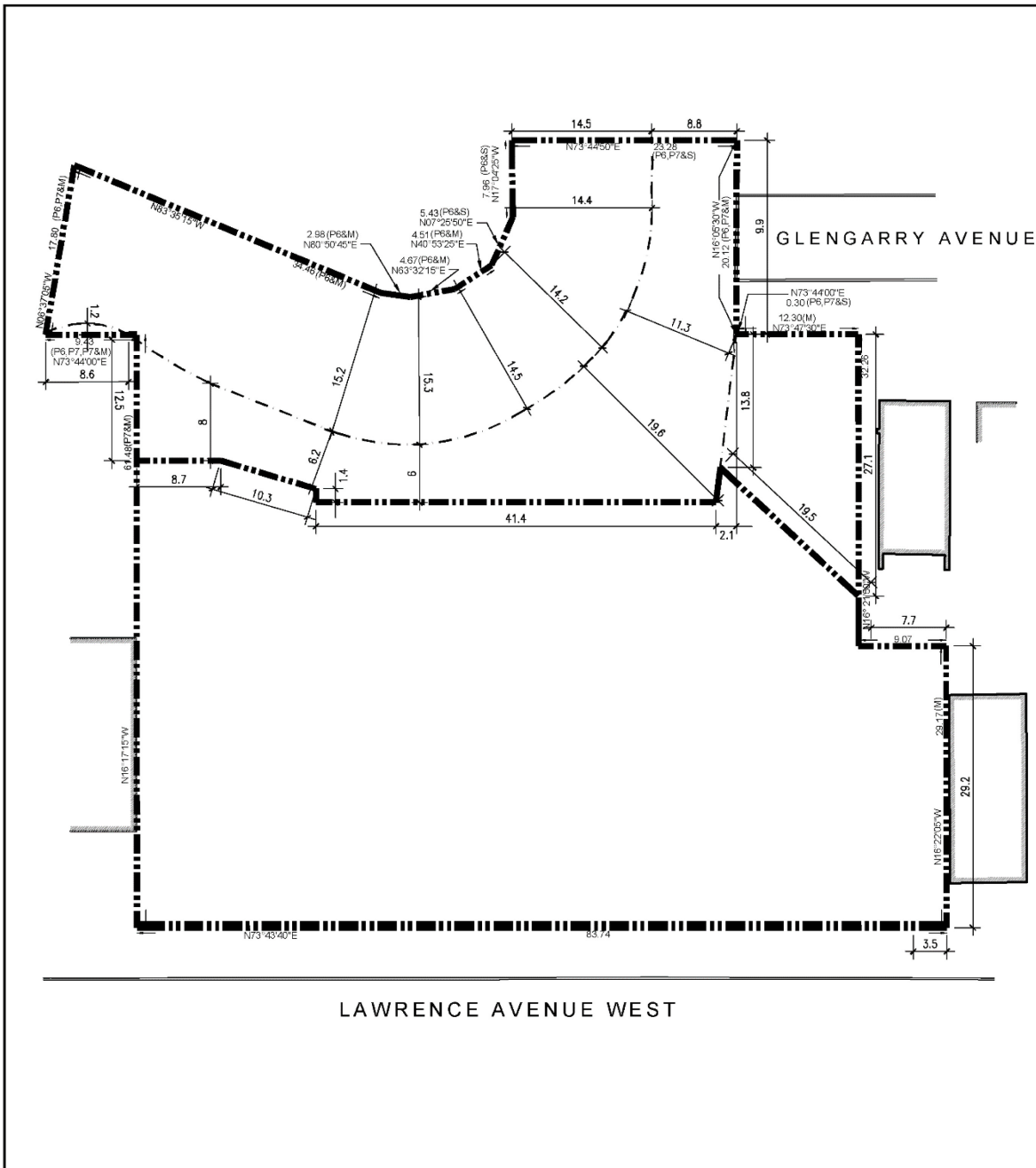
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- (I) regulation 10.10.40.40(1), respecting the permitted maximum **floor space index** for all **buildings** and structures on the **lot** does not apply;
 - (J) Despite regulation 10.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 14,000 square metres;
 - (K) Despite clause 10.10.40.70 the required minimum **building setbacks**, in metres, are shown on Diagram 3 attached to By-law 1011-2020(LPAT); and
 - (L) Despite Clause 200.5.10.1, **parking spaces** for **dwelling units** must be provided at a minimum rate of:
 - a. 0.8 spaces per 1-Bedroom dwelling unit;
 - b. 0.9 spaces per 2-Bedroom dwelling unit
 - c. 1.1 spaces per 3-bedroom dwelling unit
 - d. Visitor Parking - 0.15 spaces per dwelling unit
 - (M) Despite regulation 200.5.10.1, 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 exception to reduce the number of resident **parking spaces** otherwise required by 3 **parking spaces** (for a total maximum reduction of 6 **parking spaces**).
 - (N) Prevailing By-laws and Prevailing Sections:

Section 12(1) 53 of former City of Toronto By-law 438-86
6. Notwithstanding any severance, partition or division of the lands shown on Diagram 1 attached to this By-law, the regulations of this By-law shall continue to apply to the whole of the lands as if no severance, partition or division had occurred.
7. For the purpose of this By-law 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; and
 - (B) "Car-share **parking space**" shall mean a **parking space** that is exclusively reserved and actively used for car-sharing.

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 Diagram 3 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 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.

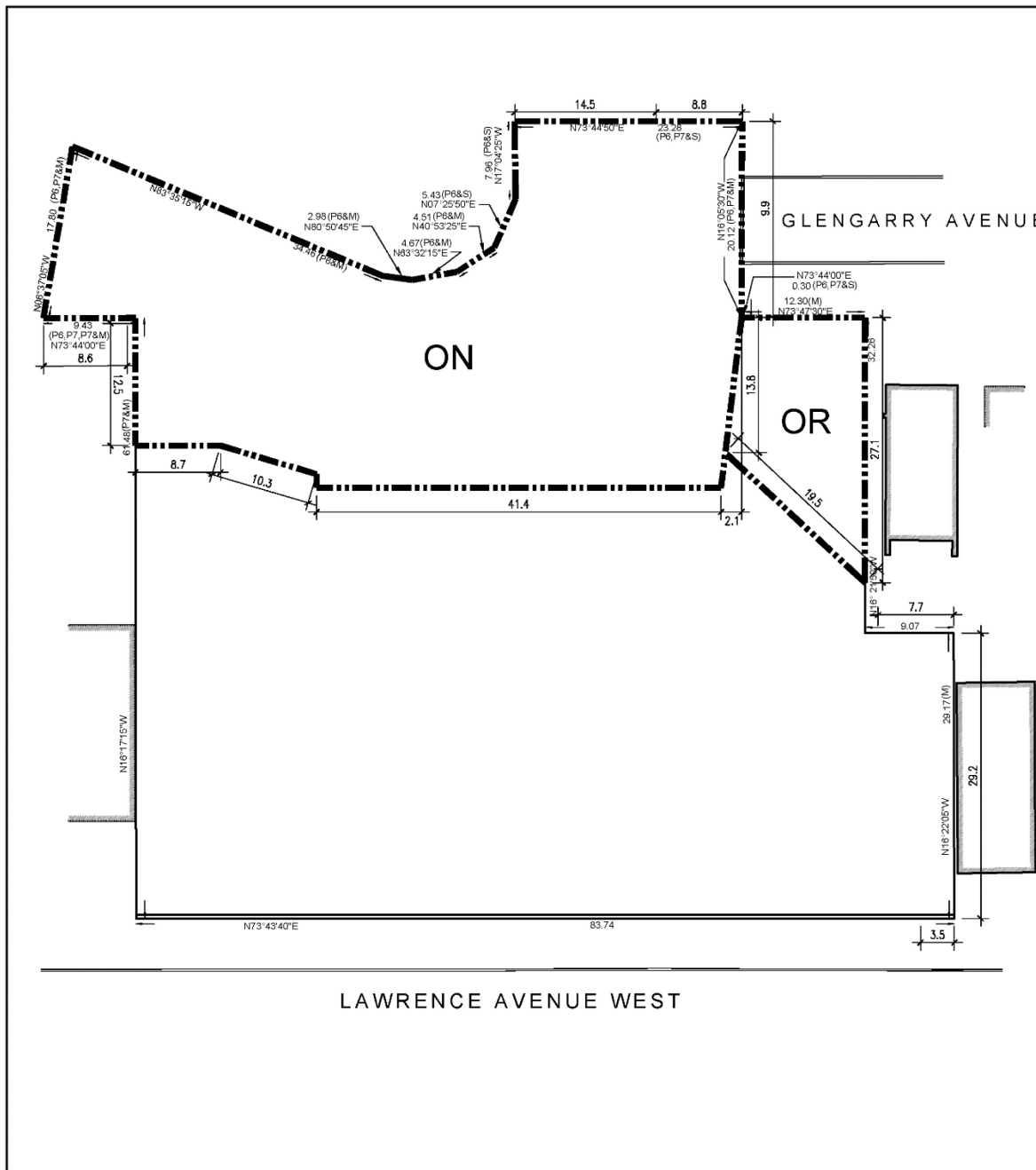
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250 Lawrence Avenue West & 219 Glengarry Avenue

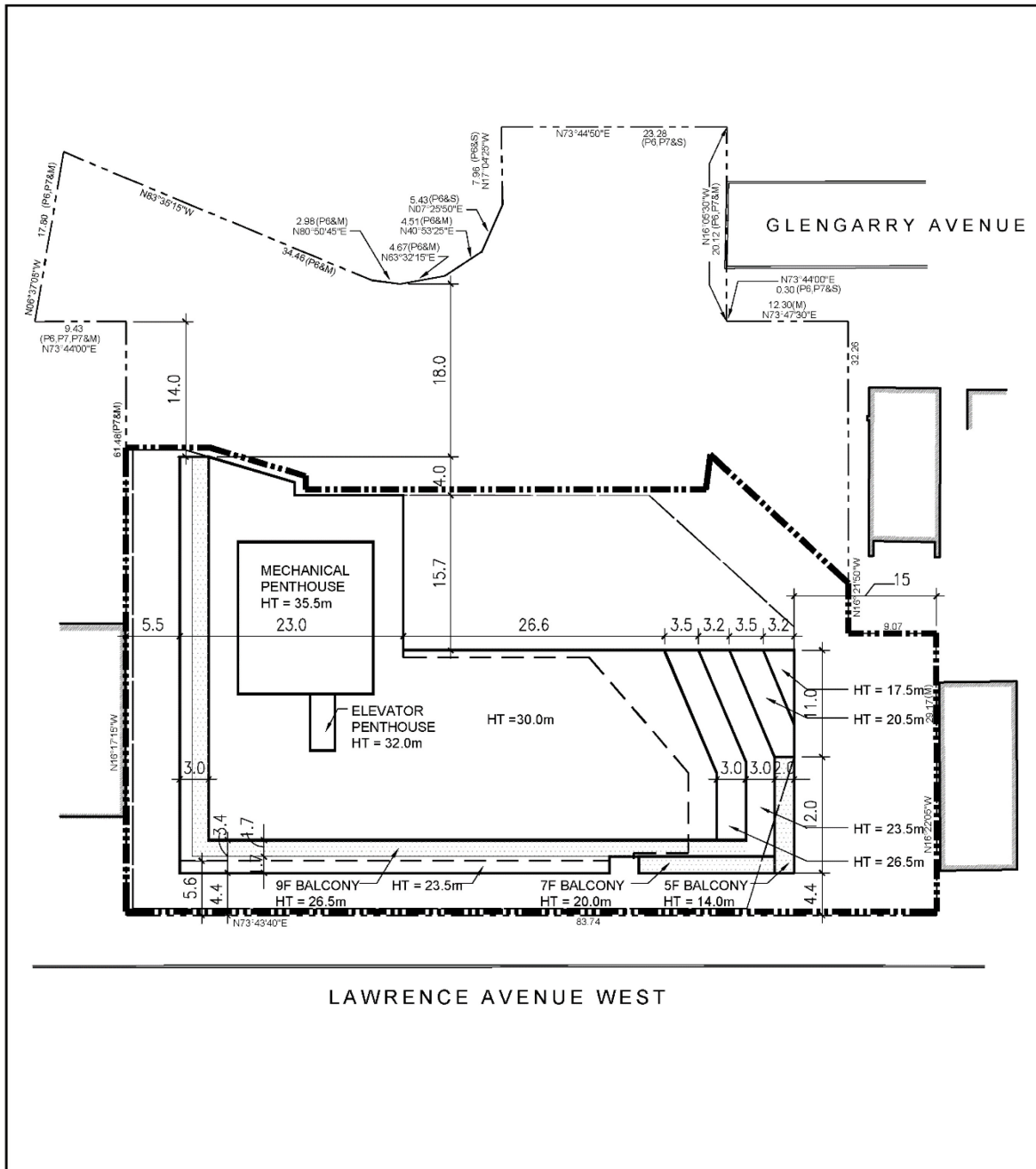
Diagram 1

File # 15 133424 NNY 16 0Z



250 Lawrence Avenue West & 219 Glengarry Avenue

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250 Lawrence Avenue West & 219 Glengarry Avenue

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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 Diagram 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.