

Authority: Local Planning Appeal Tribunal Order issued
on May 12, 2021 in Tribunal Case PL171307

CITY OF TORONTO

BY-LAW 451-2021(LPAT)

To amend Zoning By-law 569-2013, as amended, with respect to land municipally known in the year 2020 as 55 Erskine Avenue.

Whereas the Local Planning Appeal Tribunal, by its decision and Order issued on May 12, 2021 in Tribunal Case PL171307, approved amendments to the City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands; 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 provisions of such facilities, services or matters as are set out in the by-law; and

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in the height or density of development; and

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services or 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 facilities, services and matters hereinafter set out;

Now therefore pursuant to the Order of the Local Planning Appeal Tribunal, City of Toronto Zoning By-law 569-2013 is further amended 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 By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to R(d2.0)(x79) and OR, as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number 79 so that it reads:

(79) Exception R 79

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 55 Erskine Avenue, if the requirements of Section 5 and Schedule A of By-law 451-2021(LPAT) are complied with, a **building, structure**, addition or enlargement may be erected or used in compliance with (B) to (Z) below;
- (B) For the purposes of this exception:
 - (i) "Building 'A'" means the **building** identified as Building 'A' on Diagram 3 of By-law 451-2021(LPAT); and
 - (ii) "Existing Building" means the **building** identified as "Existing 17 Storey Building" on Diagram 3 of By-law 451-2021(LPAT);
- (C) Despite Regulation 10.10.40.40(1), the permitted maximum **gross floor area** of Building 'A' is 9,500 square metres;
- (D) The **gross floor area** of the Existing Building is 14,300 square metres;
- (E) For the purposes of this exception, **established grade** is the Canadian Geodetic Datum elevation of 163.92 metres;
- (F) Despite Regulation 10.10.40.10(1), the permitted maximum height of any **building or structure** is the height in metres specified by the numbers following the symbol HT on Diagram 3 of By-law 451-2021(LPAT);
- (G) Despite clause 10.10.40.10, the permitted maximum number of **storeys** of Building 'A' is 11 **storeys**, excluding the mechanical penthouse;
- (H) Despite clause 10.10.40.70, the required minimum **building setbacks** are identified in metres on Diagram 3 of By-law 451-2021(LPAT);
- (I) Despite Regulation (H) above and clause 10.5.40.60, the following are permitted to encroach into the required **building setbacks** shown on Diagram 3 of By-law 451-2021(LPAT):
 - (i) Balconies and terraces to a maximum of 1.8 metres;
 - (ii) Canopies and awnings to a maximum of 3.0 metres;

- (iii) Cornices, light fixtures, eaves, window sills, planters, screens and safety features, stairs, stair enclosures, doors, fences, screens and architectural features to a maximum of 1.5 metres; and
 - (iv) Covered ramp to underground parking and other structures associated with the underground garage;
- (J) Despite Regulation 10.5.50.10(4) a minimum of 45 percent of the area of the **lot** must be for **landscaping**, of which a minimum of 50 percent must be for **soft landscaping**;
- (K) Notwithstanding (J) above, the minimum **landscaping** requirements do not apply to the **lawfully existing building**;
- (L) Despite Regulations 200.5.10.1(1), **parking spaces** for both Building 'A' and the Existing Building must be provided and maintained on the lands, according to the following minimum ratios:
- (i) 0.55 **parking spaces** for each **dwelling unit** for the use of occupants of **dwelling units**; and
 - (ii) 0.10 **parking spaces** for each **dwelling unit** for the use of visitors of **dwelling units**;
- (M) Despite regulation (L)(i), for each on-site car-share **parking space** provided on the lands, the parking requirement for occupants of **dwelling units** may be reduced by 4 **parking spaces** up to a maximum of 8 **parking spaces**, and for the purposes of this exception:
- (i) car-share 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 the 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
 - (ii) a car-share **parking space** means a **parking space** exclusively reserved and actively used for car-share purposes, including by non-residents.
- (N) Despite Regulations 200.5.1(3) and 200.5.1.10(2) existing **parking spaces** and **drive aisles** are permitted within their existing dimensions as of the date of passing of By-law 451-2021(LPAT);
- (O) Despite Regulation 200.5.1(3)(A), if the centreline of a **parking space** is at an interior angle of 70 to 90 degrees to the centreline of the **drive aisle** providing **vehicle** access, the minimum width for that one or two lane **drive aisle** is 5.5 metres;

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- (P) Despite Regulation 10.10.40.50(1), **residential amenity space** within Building 'A' must be provided and maintained on the lands in accordance with the following:
- (i) A minimum of 325 square metres of **indoor amenity space** is located in Building 'A'; and
 - (ii) A minimum of 40 square metres of **outdoor amenity space** is located in a location adjoining or directly accessible to the **indoor amenity space** in Building 'A'.
- (Q) Regulation 10.10.40.50(1) with regards to **amenity space** does not apply to the **dwelling units** in the Existing Building;
- (R) Regulation 10.10.40.30(1), as it relates to maximum **building depth**, does not apply;
- (S) Regulation 10.5.50.10(5), as it relates to a **soft landscaping** strip, does not apply;
- (T) Regulation 10.5.80.30(1), with regards to the separation of a **parking space** from an **apartment building**, does not apply;
- (U) Regulation 10.10.40.1(5), as it relates to **building** orientation, does not apply;
- (V) Regulation 10.5.100.1(5), as it relates to **driveway** access to an **apartment building**, does not apply;
- (W) Regulation 10.5.40.10(4), with respect to horizontal limits on elements for the functional operation of a **building**, does not apply;
- (X) Regulation 200.15.1.5(1), with respect to the location of accessible **parking spaces** does not apply;
- (Y) Regulation 10.5.40.50(2), as it relates to platforms in relation to **building setbacks**, does not apply; and
- (Z) Despite any existing or future severance, partition or division of the lands shown on Diagram 1 of By-law 451-2021(LPAT) the provisions of this By-law shall apply to the whole of the lands as one **lot** as if no severance, partition or division had occurred.

Prevailing By-laws and Prevailing Sections: (None Apply)

5. 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 attached to this

By-law, in return for the provision by the owner, at the owner's expense of the 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; and
- (C) The owner must 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 the provisions of Schedule A of this By-law are satisfied.

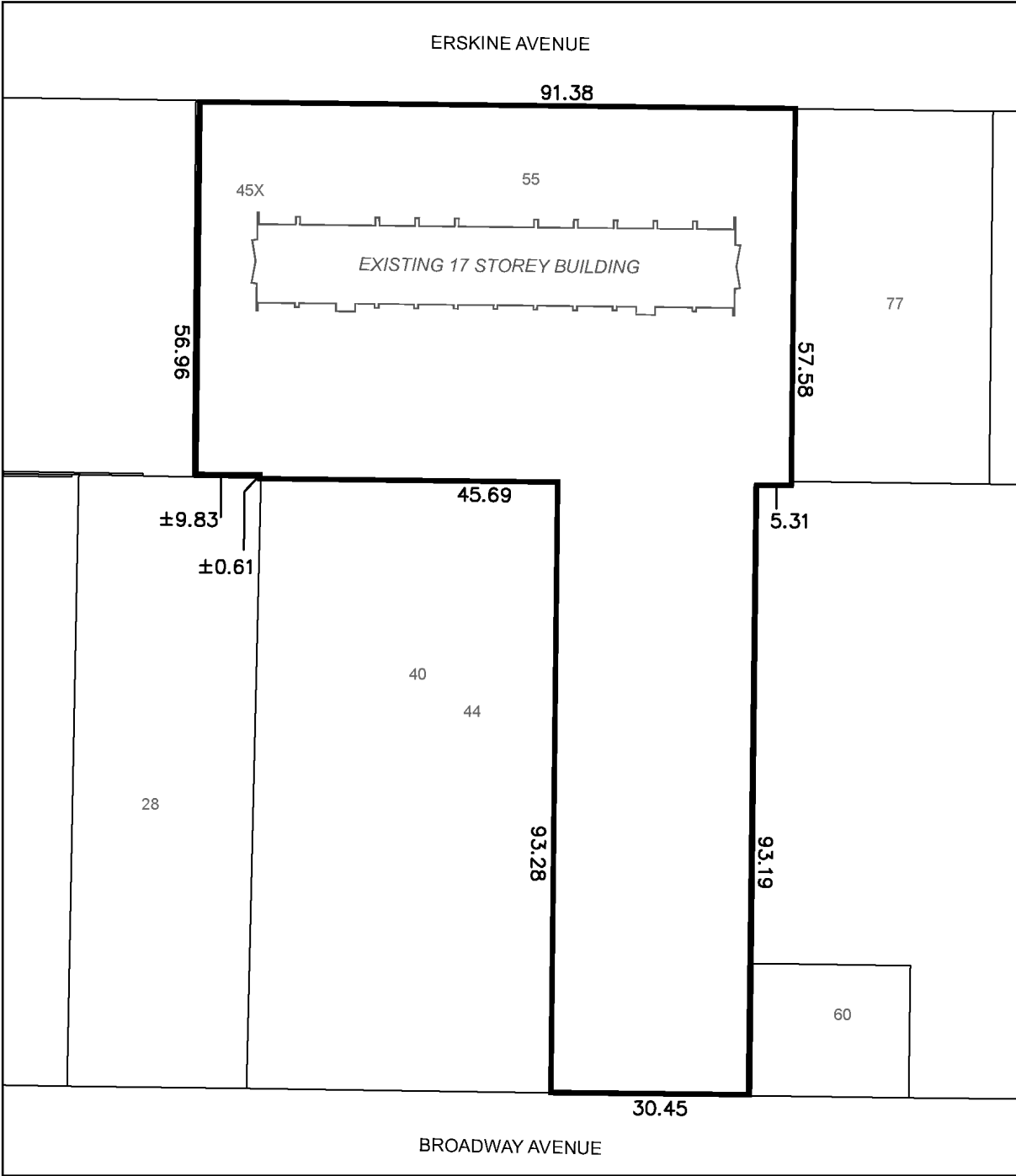
Pursuant to the Decision and Order of the Local Planning Appeal Tribunal issued May 12, 2021 in Tribunal Case PL171307.

Schedule A
Section 37 Provisions

Upon execution and registration in priority of an agreement or agreements with the owner, pursuant to Section 37 of the Planning Act, with conditions providing for without limitation, indexing escalation of letters of credit, development charges, indemnity, insurance, and registration in priority, satisfactory to the City Solicitor, securing the provision of the facilities, services and matters set out herein, the **lot** is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter 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 said requirements:

1. The owner shall covenant and agree to secure the rental tenure of the existing rental building on the **lot**, which contains 188 existing rental dwelling units, without application to demolish or convert the existing rental building or any of the existing rental dwelling units to another use or form of tenure for a period of at least 20 years commencing from the date the Local Planning Appeal Tribunal issues its final Order in respect of this zoning by-law, to the satisfaction of the City Solicitor;
2. The owner shall covenant and agree to provide access for residents of the existing rental building on the **lot** to all indoor and outdoor amenities within and adjacent to the development permitted by this zoning by-law, with no cost pass-through to existing tenants and residents within the existing rental dwelling units, to the satisfaction of the City Solicitor;
3. Prior to site plan approval for the development permitted by this zoning by-law, the owner shall design the following improvements to the existing rental building on the land, to the satisfaction of the Chief Planner and Executive Director, City Planning or designate, and the owner shall covenant and agree with the City that the following improvements will be provided on the **lot** with no cost pass-through to existing tenants and residents within the existing rental dwelling units, to the satisfaction of the City Solicitor:
 - (A) Permanent new outdoor furniture and new outdoor cooking appliances within the existing 1385 square metre outdoor amenity area surrounding the existing swimming pool on the **lot**;
 - (B) New programming within the 70 square metre amenity space located on the ground floor of the existing building on the **lot**;
 - (C) No fewer than five (5) new short-term visitor bike parking spaces located at the rear of the existing rental building on the **lot**;
 - (D) Centralise garbage storage, staging and pickup within the new building for waste associated with the existing rental building on the **lot** and the subject development on the **lot** permitted by this zoning by-law; and

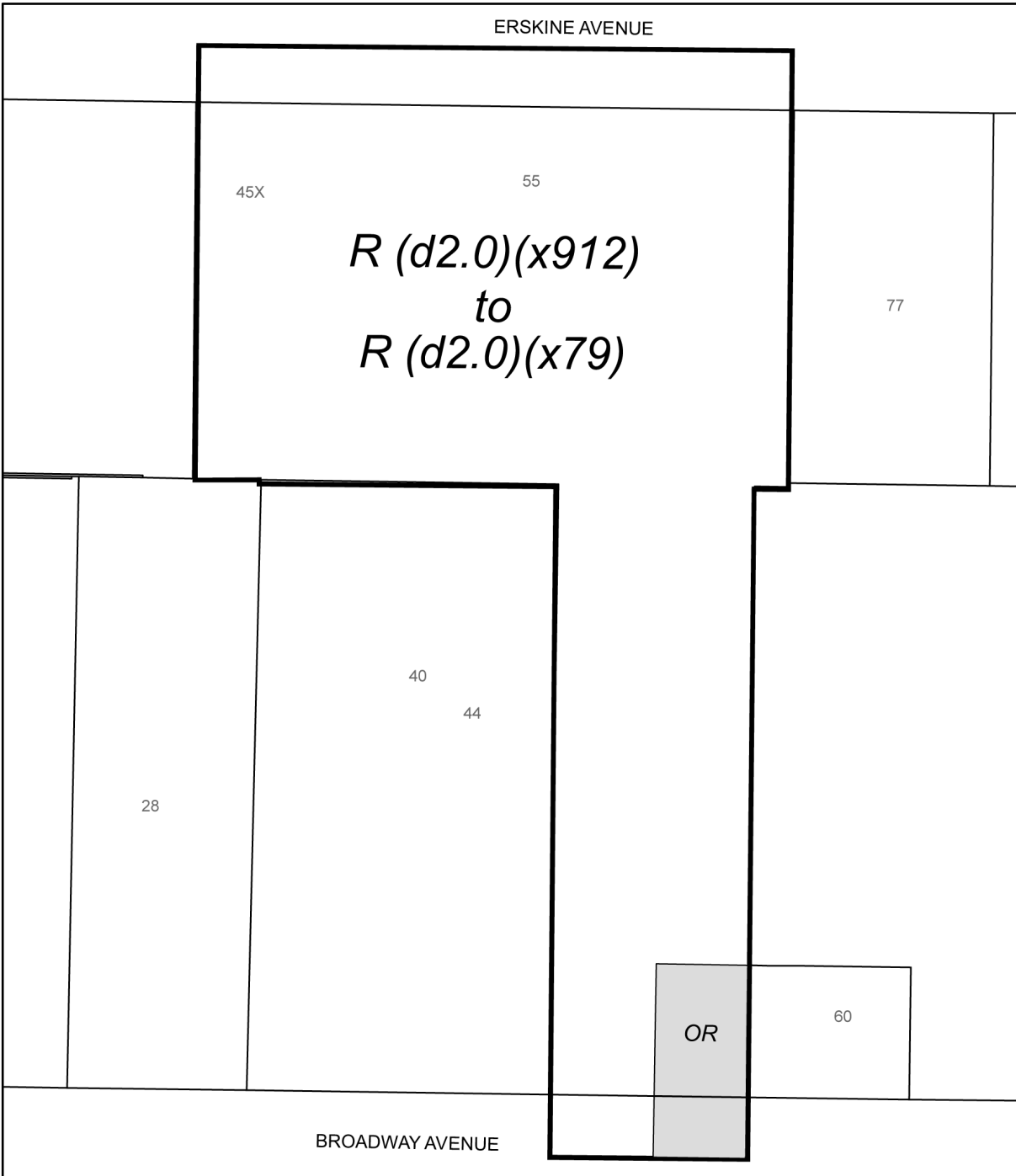
- (E) A new refuse drop-off area for hand-delivered kitchen waste and recycling within the existing rental building on the **lot**;
4. Prior to the approval of a site plan control application for the development permitted by this zoning by-law, the owner shall provide a construction mitigation and tenant communications plan to lessen adverse impacts on tenants due to the redevelopment proposal, to the satisfaction of the Chief Planner and Executive Director, City Planning or designate;
 5. Prior to the approval of a site plan control application for the development permitted by this zoning by-law, the owner shall design a privately-owned publicly accessible open space on the land at-grade reflective of the vision for the Park Street Loop abutting the Broadway Avenue frontage of the land to a minimum depth of 7.5 metres from the Broadway Avenue property line starting at the west property line of the **lot** and terminating at the future boundary of the parkland dedication to be provided by the Owner in accordance with paragraph 7 of this Schedule A, to the satisfaction of the Chief Planner and Executive Director, City Planning or designate, and the owner shall financially secure the privately-owned publicly accessible open space prior to the approval of a site plan control application for the development, to the satisfaction of the Chief Planner and Executive Director, City Planning or designate;
 6. Prior to the issuance of the first above-grade building permit for the development permitted by this zoning by-law, the owner shall register a grant of an easement to the City, for nominal consideration and free and clear of all physical encumbrances, save and except those permitted by the Chief Planner and Executive Director, City Planning or designate, upon and over the privately-owned publicly accessible open space to be on the **lot** abutting Broadway Avenue, to a minimum depth of 7.5 metres from the Broadway Avenue property line starting at the west property line of the subject lands and terminating at the future boundary of the parkland dedication to be provided by the owner in accordance with paragraph 7 of this Schedule A, for the purpose of the public's use, to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning or designate;
 7. Prior to the issuance of the first above-grade building permit for the development permitted by this zoning by-law, the owner shall convey the fee simple interest in a part of the **lot** with a minimum area of 284.2 square metres, free and clear, above and below grade, of all easements, encumbrances, and encroachments, in satisfaction of the owner's required parkland contribution under the Planning Act, said lands being Zoned 'OR' as shown on Diagram 2 to this zoning by-law, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor, in consultation with the Ward Councillor; and
 8. Prior to the issuance of the first building permit for the development permitted by this zoning by-law, the owner shall pay a cash contribution of \$300,000 to the City to be used for the purpose of local parks improvements in the vicinity of the site, to the satisfaction of the General Manager, Parks, Forestry and Recreation, in consultation with the Ward Councillor.



 **TORONTO**
Diagram 1

55 Erskine Avenue

File # 17 145066 NNY 25 OZ





 **TORONTO**
Diagram 3

55 Erskine Avenue

File # 17 145066 NNY 25 OZ