

Authority: Toronto and East York Community Council
Item TE21.5, as adopted by City of Toronto Council on
December 16, 17 and 18, 2020

CITY OF TORONTO

BY- LAW 816-2021

To amend former City of Toronto By-law 438-86, as amended, with respect to lands municipally known in the year 2020 as 145, 147 and 155 Balmoral Avenue.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; 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;

The Council of the City of Toronto enacts as follows:

1. Pursuant to Section 37 of the Planning Act, the density of development permitted by this By-law is permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the lot of the facilities, services and matters set out in Schedule A, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the Planning Act.
2. Upon execution and registration of an agreement or agreements between the City and the owner of the lot pursuant to Section 37 of the Planning Act securing the provision of the facilities, services and matters set out in Schedule A, 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, such building may not be erected or used until the owner of the lot has satisfied the said requirements.

3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement(s) entered into with the City pursuant to Section 37 of the Planning Act, then once such agreement 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.
4. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*.
5. None of the provisions of Section 2 with respect to the definitions of the terms *grade*, *height*, *lot* and Sections 4(2)(a), 4(4), 4(13), 6(3) Part I, 6(3) Part II, 6(3) Part III and 12(2) 262 of the aforementioned Zoning By-law 438-86, as amended, shall apply to prevent the erection of a *nursing home*, *convalescent home or rest home* or *home for the aged* on the lands municipally known as 145-155 Balmoral Avenue (hereinafter referred to as the *lot*), provided that:
 - (a) the *lot* comprises the lands delineated by heavy black lines on Map 1, attached hereto and forming part of this by-law;
 - (b) in addition to the uses permitted in Section 6(1), an office is permitted on the *lot* provided it is accessory to a permitted use;
 - (c) the total *residential gross floor area* of a *nursing home*, *convalescent home or rest home*, or *home for the aged* and its accessory uses shall not exceed 14,525 square metres;
 - (d) no portion of a *building* or structure erected or used above *grade* shall be located otherwise than wholly within the areas delineated by heavy lines on Map 2 attached hereto and forming part of this By-law, with the exception of the following:
 - (i) awnings, balconies, canopies, decks, decorative cornices, decorative pilasters, exterior stairs, landscape elements, porches, terraces, vents, wheelchair ramps and window projections, all of which may encroach to a maximum of 2.5 metres;
 - (e) no portion of a *building* or structure erected or used above *grade* shall be located above the *heights* shown on Map 2 attached to and forming part of this By-law, with the exception of the following:
 - (i) stairs and stair enclosures, elevator, heating, cooling or ventilating equipment or any other mechanical penthouse elements, or a fence, wall or structure enclosing such elements, all of which may project up to a maximum of 6.5 metres; and

- (ii) bollards, fencing, decorative wind or privacy screens, decorative parapet and cladding elements, railings or guards, window projections, terraces, vents, stacks, pipes, structures located on the roof for outside or open air recreation, safety and wind protection purposes, all of which may project up to a maximum of 3.5 metres;
 - (f) no portion of a *building* or *structure* may be located within the shaded area shown on Map 2 attached hereto and forming part of this By-law from finished ground to a vertical height of 4.5 metres;
 - (g) *parking spaces* shall be provided and maintained at a minimum rate of 0.17 *parking spaces* for each bed-sitting room and/or *dwelling unit* and may be provided in a *parking stacker* on the *lot*;
 - (h) Notwithstanding Section 4, subsection 4 (17)(e) a *parking stacker* structure is permitted within 0.3m of each side of the stacked *parking space*;
 - (i) a minimum of one *loading space - Type G* and one *loading space - Type C* shall be provided on the *lot*;
 - (j) an operable gate is not considered to be an obstruction when located adjacent to or within a Type 'G' loading space;
 - (k) *Bicycle parking spaces* shall be provided for the uses on the *lot* in accordance with the following standards:
 - (i) a minimum of 0.2 *long-term bicycle parking spaces* for each bed-sitting room and/or *dwelling unit*; and
 - (ii) a minimum of 0.03 *short-term bicycle parking spaces* for each bed-sitting room and/or *dwelling unit*; and
 - (l) Notwithstanding the definition of *bicycle parking space – visitor* and *bicycle parking space – occupant* in Section 2(1) of Zoning By-law 438-86, as amended, a *bicycle parking space* may be provided in a *stacked bicycle parking space* having a minimum vertical clearance of 1.2 metres for each *bicycle parking space*, a minimum width of 0.46 metres, and a minimum length of 1.8 metres.
6. For the purposes of this By-law, all italicized words and expressions have the same meaning as defined in By-law 438-86, as amended, with the exception of the following:
- (a) "bed-sitting room" means a room used as separate living accommodation that has a private entrance from a hallway inside a *building*, and may have sanitary facilities but not food preparation facilities;
 - (b) "*grade*" means 150.1 metres Canadian Geodetic Datum;

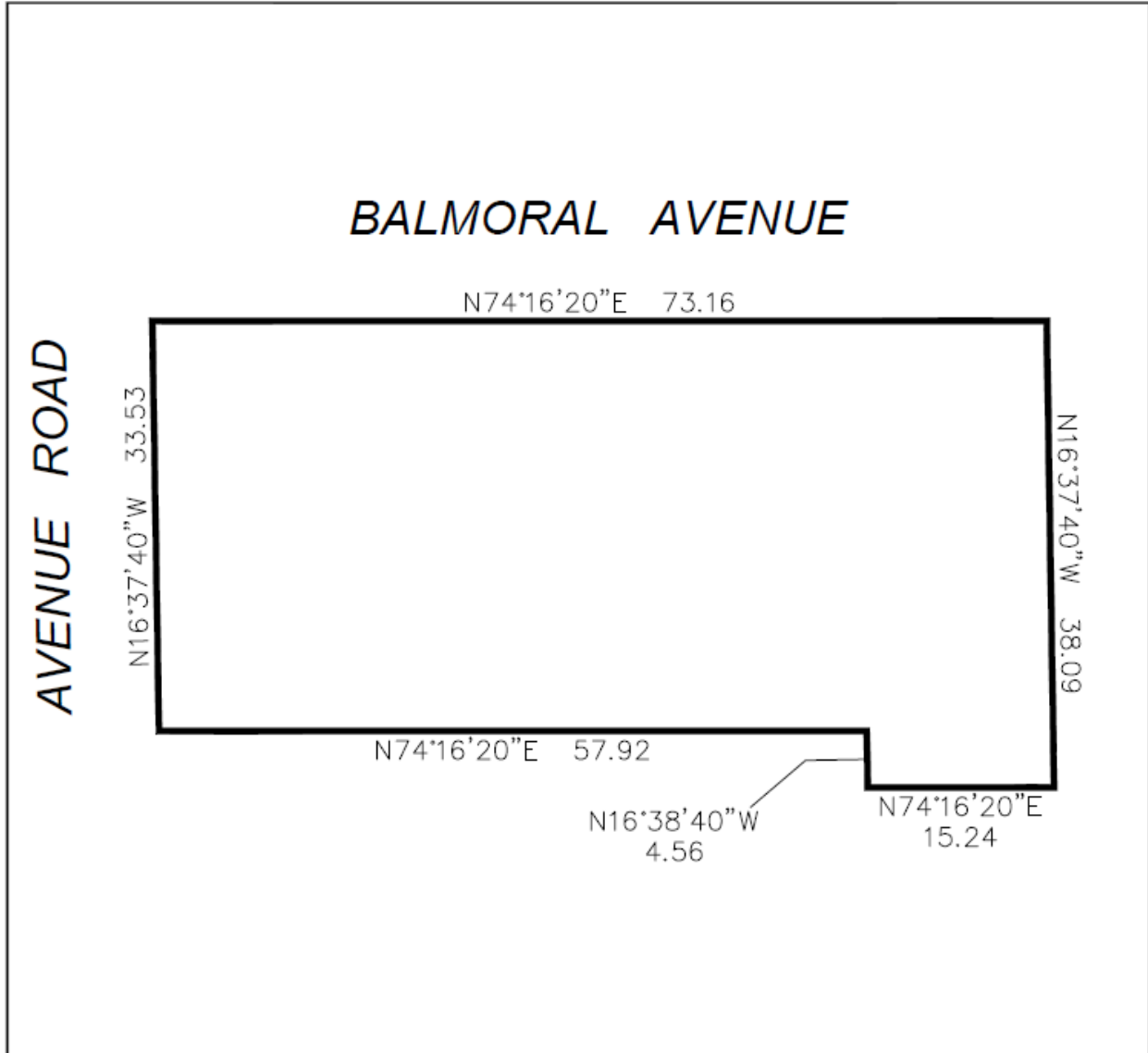
- (c) *"height"* means the vertical distance between *grade* and the highest point of the roof of any building on the *lot*, except for those elements prescribed by this By-law;
 - (d) *"lot"* shall refer to those lands delineated by a heavy black line on Map 1, attached to and forming part of this By-law;
 - (e) *"long-term bicycle parking spaces"* are bicycle parking spaces for use by the occupants or tenants of a building;
 - (f) *"short-term bicycle parking spaces – short term"* are bicycle parking spaces for use by visitors to a building;
 - (g) *"parking stacker"* shall refer to a parking space that is positioned above or below another parking space and is accessed only by means of an elevating device; and
 - (h) *"stacked bicycle parking space"* is a *bicycle parking space* that is positioned above or below another *bicycle parking space* and equipped with a mechanical device providing floor level access to both *bicycle parking spaces*.
7. Despite any existing or future severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.

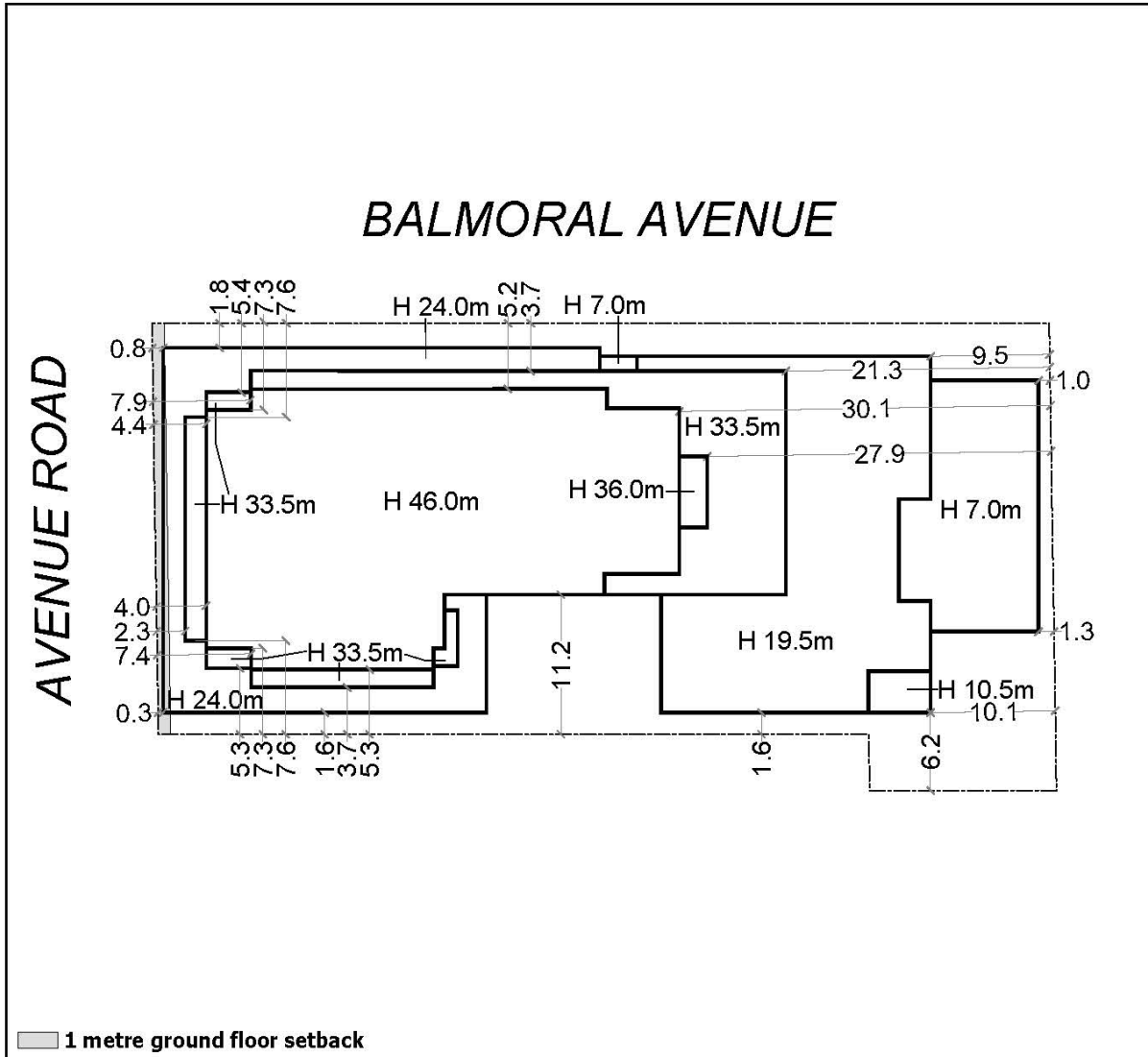
Enacted and passed on October 4, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)





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 lot and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

- (A) a financial contribution in the amount of \$2,200,000.00 payable to the City prior to issuance of the first above-grade building permit, with such amount to be indexed upwardly in accordance with Statistics Canada Non-Residential Building Construction Price Index for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of the execution of the Section 37 Agreement, or any other necessary agreement, to the date of payment. The funds shall be directed as follows:
 - (i) \$2,000,000.00 towards one or more the following: capital improvements for new or existing Toronto Community Housing and/or affordable housing in Ward Toronto-St. Paul's; capital improvements for new or existing cultural and/or community space in Ward Toronto-St. Paul's; local area park or streetscape improvements in Ward Toronto-St. Paul's; and
 - (ii) \$200,000.00 towards public art, in accordance with the City of Toronto Public Art Program.