

Authority: Ontario Land Tribunal Decision issued on December 19, 2019 and Ontario Land Tribunal Order issued on August 15, 2022 in File OLT-22-004019

CITY OF TORONTO
BY-LAW 1196-2022(OLT)

To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to the lands municipally known in the year 2021 as 45 La Rose Avenue.

Whereas the Ontario Land Tribunal, in its Decision issued on December 19, 2019 and the Ontario Land Tribunal Order effective on August 12, 2022 in file OLT-22-004019, in hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, ordered the amendment of Etobicoke Zoning Code Chapters 320 and 324, as amended, with respect to the lands municipally known in the year 2021 as 45 La Rose 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 the Etobicoke Zoning Code 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 Ontario Land Tribunal orders:

1. That despite Sections 320-6.2, 320-18, 320-39, 320-40, 320-41, 320-42, 320-43, 320-44, 320-65, 320-66, 320-67 and 320-68 of the Etobicoke Zoning Code and Subsections 2.(a), 2.(b), 2.(c), 3., 4., 5., and 6. of By-law 319-2001 as they apply to the *New Building* shown on Schedule B attached to this By-law, the following development standards shall be applicable to the *New Building* shown on Schedule B attached to this By-law and marked with the zone symbol 'R4X' on Schedule A attached to this By-law.
2. The provisions of section 304-4 Definition of the Zoning Code apply unless they are inconsistent with the provision of this By-law. For the purpose of this By-law, the following definitions apply:

- (A) "*Gross Floor Area*" – the gross floor area of the *New Building* is reduced by the area in the building used for:
- (i) parking, loading and bicycle parking below established grade;
 - (ii) required loading spaces and required bicycle parking spaces at or above established grade;
 - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (iv) shower and change facilities required by this By-law for required bicycle parking spaces;
 - (v) indoor amenity space required by this By-law;
 - (vi) elevator shafts;
 - (vii) garbage shafts;
 - (viii) mechanical penthouse; and
 - (ix) exit stairwells in the building.
- (B) "*Height*" - shall be measured from the Canadian Geodetic Datum elevation of 129.85 metres to the highest point of the *building* or *structure*.
- (C) "*Existing Building*" - means the existing apartment building municipally known as 45 La Rose Avenue and ancillary structures, including an underground parking garage, loading spaces and enclosed garage entry ramp located on the lands in the year 2021 as shown on Schedule B.
- (D) "*New Building*" - means the proposed apartment building on the lands as shown on Schedule B.
- (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.
- (F) "*Landscape Open Space*" – means an area used for trees, plants, decorative stonework, retaining walls, walkways, or other landscape or architectural elements. Driveways and areas for loading, parking or storing of vehicles are not landscaping.
3. The following development standards shall now be applicable to the (R4X) lands described in Schedules A and B attached hereto:

(A) Gross Floor Area

- (i) The total *gross floor area* of the *New Building* shall not exceed 15,000 square metres.
- (ii) The total gross floor area of the Existing Building shall not exceed 19,034 square metres.
- (iii) Provided the total gross floor area does not exceed 19,084 square metres, an additional 50 square metres of non-residential gross floor area is permitted for the Existing Building in the form of an expansion and addition for the purpose of garbage storage, recycling and green waste as shown on Schedule B attached to this By-law.

(B) Building Heights

- (i) The *New Building* may not exceed the *height* specified by the numbers following the letter "HT" on Schedule B attached to this By-law, with the exception of the following:
 - a. equipment used for the functional operation of the building including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, vents, and structures that enclose, screen or cover the equipment, structures and parts of the building listed above, inclusive of a mechanical penthouse, by a maximum of 6.5 metres;
 - b. architectural features, parapets, and elements and structures associated with a green roof, by a maximum of 2.5 metres;
 - c. landscape and outdoor amenity features, planters, outdoor cooking areas, pergolas, bike parking, guard rails, and privacy screens and dividers on a balcony or terrace, by a maximum of 2.5 metres;
 - d. trellises, by a maximum of 3.0 metres;
 - e. window washing equipment and telecommunications equipment, by a maximum of 1.5 metres; and
 - f. shade structures and wind mitigation structures, by a maximum of 3.5 metres;
- (ii) The height of the *Existing Building* shall not exceed the height specified by the numbers following the letter "HT" on Schedule B attached to this By-law.

(C) Building Setbacks

- (i) The portion of the *New Building* above ground must be located within the areas delineated by heavy lines on Schedule B attached to this By-law, with the exception of the following:
 - a. balconies, by a maximum of 2.0 metres;
 - b. exterior stairs, access ramps and elevating devices, by a maximum of 2.0 metres;
 - c. architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 1.5 metres;
 - d. dividers and green roof elements, by a maximum of 1.0 metre;
 - e. dividers at grade, by a maximum of 3.0 metres;
 - f. shade structures and wind mitigation structures, by a maximum of 15.0 metres; and
 - g. Structures, enclosures, elements and equipment related to mechanical and building operations and maintenance such as access ladders, platforms, vents, pipes, window washing equipment, and telecommunications equipment, by a maximum of 2.0 metres;
- (ii) The *New Building's* main walls shall not penetrate a 45-degree angular plane taken from the south and west lot lines with the exception of privacy screens and dividers on a balcony or terrace and guard rails to a maximum of 2.1 metres;

(D) Amenity Space

- (i) *Amenity space* for the *New Building* must be provided in accordance with the following:
 - a. A minimum of 2.0 square metres per *dwelling unit* of indoor *amenity space* must be provided;
 - b. A minimum of 2.0 square metres per *dwelling unit* of outdoor *amenity space* must be provided; and
 - c. At least 40.0 square metres of outdoor *amenity space* is in a location adjoining or directly accessible to the indoor *amenity space*.

(E) Vehicle Parking

- (i) *Parking spaces* for residents and visitors of the *New Building* must be provided and maintained in accordance with the following minimum standards:
 - a. 0.9 *parking spaces* for each one bedroom *dwelling unit*;
 - b. 1.0 *parking spaces* for each two bedroom *dwelling unit*;
 - c. 1.2 *parking spaces* for each three-bedroom *dwelling unit*; and
 - d. 0.2 visitor parking spaces for each dwelling unit.
- (ii) A minimum of 11 accessible *parking spaces* must be provided and maintained on the *lot* for the *New Building* in accordance with the following minimum parking stall dimensions:
 - a. Length of 5.6 metres;
 - b. Width of 3.4 metres; and
 - c. vertical clearance of 2.1 metres; and
 - d. The entire length of an accessible parking space must be adjacent to a 1.5 metre wide accessible barrier free aisle of path;

(F) Bicycle Parking

- (i) *Bicycle parking* for residents and visitors of the *New Building spaces* must be provided and maintained on the *lot* in accordance with the following minimum standards:
 - a. 231 long-term *bicycle parking spaces* for residents; and
 - b. 24 short-term *bicycle parking spaces* for visitors.

(G) Landscaped Open Space

- (i) A minimum of 57 percent of the area of the lot is to be used as *landscaped open space*.

4. Section 37 Provisions

- (A) Pursuant to Section 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 Schedule A and Schedule B 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 as such are secured by and subject to 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 1 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) Where 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 1 are satisfied.
5. This Exception applies to the whole of the *lot* collectively regardless of future severance, partition or division.
 6. Chapter 324, Site Specifics, of the Etobicoke Zoning Code, is amended to include reference to this By-law by adding the following to Section 324-1:

BY-LAW NUMBER AND EFFECTIVE DATE OF ORDER	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
1196-2022(OLT) August 12, 2022	Lands located on the south side of La Rose Avenue, west of Scarlett Road	Amend the Etobicoke Zoning Code and site-specific By-law 319-2001 to permit a 7-storey apartment building (the " <i>New Building</i> ") subject to site specific standards

Ontario Land Tribunal Decision issued on December 19, 2019 and Ontario Land Tribunal Order issued on August 15, 2022 in File OLT-22-004019.

SCHEDULE 1
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 Schedule 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. The owner shall provide and maintain the Existing Building and the 156 dwelling units in the Existing Building, to the satisfaction of the Chief Planner and Executive Director, City Planning.
2. Prior to the issuance of the first above-grade permit for the New Building, the Owner shall provide, repair, operate and/or maintain, to the satisfaction of the Chief Planner and Executive Director, City Planning the following to support the development of the lands:
 - (A) improvements to the laundry facilities in the Existing Building, and shall include but not be limited to:
 - (i) folding table at wheelchair height;
 - (ii) sink;
 - (iii) powered door entry;
 - (iv) window or transparent glazing at the wall or doorway; and
 - (v) barrier-free washroom and change table;
 - (B) renovations to the front lobby in the Existing Building, and shall include but not be limited to:
 - (i) to raise the floor to make it level with the adjoining floor;
 - (ii) to replace the flooring on the now-elevated floor;
 - (iii) to replace the existing furniture with new furniture suitable for a lounge or a meeting room; and
 - (iv) to remove the existing wrought-iron room separator, which room separator may be replaced with a glazed wall, subject to the outcome of a tenant survey;
 - (C) a reinstated party or workout room adjacent to the laundry room, or in any other available space in the Existing Building;
 - (D) upgrades to the fenced outdoor area adjacent to the swimming pool associated with the Existing Building, and shall include the following:

- (i) replacement of the existing fence with a visually permeable decorative fence, but not a chain-link fence;
 - (ii) provision of a permanent outdoor table of the size of a "picnic table," together with sufficient permanent seating for full utilization of the table in typical recreational use;
 - (iii) provision of a new bench for respite seating in the indoor pool area; and
 - (iv) provision of an outdoor barbequing area adjacent to the indoor swimming pool; and
 - (E) 15 new outdoor bicycle parking spaces and 20 new indoor bicycle parking spaces for tenants of the Existing Building.
3. Prior to first occupancy of any new residential units in the New Building, the Owner covenants and agrees to provide for, at its sole cost and expense, the following improvements, the final design of which shall be secured to the satisfaction of the Chief Planner, in and through the Site Plan Approval Process:
- (A) relocation indoors of the garbage storage associated with the Existing Building, and improving the location of hand delivered refuse including recycling and green waste. Two covered building extensions comprising collectively approximately 50 square metres adjacent to the existing garbage room in the Existing Building and moving room in the Existing Building, respectively, will be constructed for the purpose of relocating and housing garbage and recycling facilities. The Owner shall operate and maintain the improved waste and recycling collection, which operation and maintenance obligations will be secured in and through the Site Plan Approval process, to the satisfaction of the Chief Planner in consultation with the Chief Engineer; and
 - (B) outdoor amenity areas of at least 856 square metres around the Existing Building, including but not limited to a children's play area, seating, and a linear landscaped amenity area. The Owner shall operate and maintain the outdoor amenity areas, which operation and maintenance obligations will be secured in and through the Site Plan Approval process, to the satisfaction of the Chief Planner and Executive Director, City Planning.
4. Prior to the issuance of the first Above-Grade Building Permit, the Owner shall fulfill the Toronto District School Board and Toronto District Catholic School Board's requirements regarding signage and warning clauses to the satisfaction of the Chief Planner and Executive Director, City Planning.
5. Prior to the commencement of any excavation and shoring work for the Development or a portion thereof, the Owner shall provide at its expense to the satisfaction of the Chief Building Official, the Chief Planner, the General Manager, Transportation and the Chief Engineer, a construction management plan (the "**Construction Management Plan**"), addressing all phases of construction, including excavation, the final terms of which shall

be determined in and through the Site Plan Approval process, and which may include such matters as the following:

- (A) dust/mud control on and off-site;
- (B) location of truck loading points, trailer parking;
- (C) location and height of temporary material storage areas;
- (D) access/truck routing;
- (E) provision of hoarding, temporary fencing, temporary street signs, covered walkways, sidewalk diversions;
- (F) location and timing of temporary street closures and alternative routes/detours;
- (G) information regarding the location and extent of operation of aerial cranes;
- (H) estimated period of construction;
- (I) details of piling and shoring activities;
- (J) control of storm run-off, including any siltation control devices which may be required;
- (K) removal/disposal of excavated/demolition materials;
- (L) a plan for the removal/disposal of excavation and demolition materials to the Ministry of Environment and Climate Change standards;
- (M) a parking management plan for employee/construction vehicle parking;
- (N) information regarding measures to eliminate potential health or safety risks to site employees, residents or occupants of adjacent lands; and
- (O) a method of disseminating information to the local community regarding such matters as; construction phases and providing advance notice where possible of the expected start and estimated completion date of each construction phase, contact names and phone numbers for residents to call regarding noise and other construction related questions or complaints, and any other matters that may be appropriate, including but not limited to the anticipated interruption to services and the provision of alternative services.

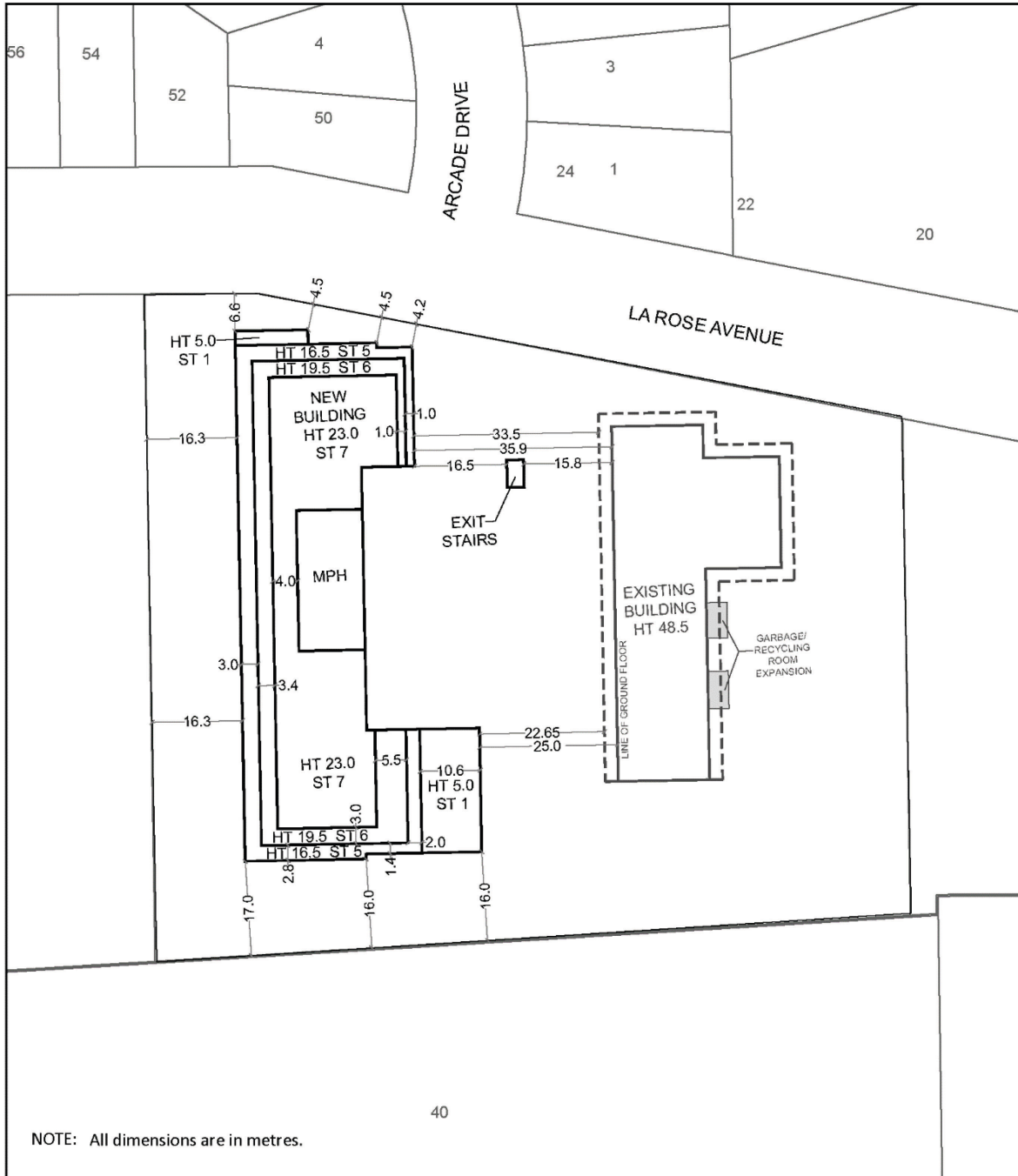


Toronto
Schedule A

45 La Rose Avenue

File # 16 270193 WET 04 02

Former City of Etobicoke By-law 11,737
Not to Scale
06/17/2022



Toronto
Schedule B

45 La Rose Avenue

File # 16 270193 WET 04 02

Former City of Etobicoke By-law 11,737
Not to Scale
06/17/2022