

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 1197-2022(OLT)

To amend Zoning By-law 569-2013, as amended, 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. P13, as amended, ordered the amendment of Zoning By-law 569-2013, 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 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 Ontario Land Tribunal, by Order, amends By-law 569-2013 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 and replacing Article 900.7.10 Exception Number 53 so that it reads:

(53) Exception RA (53)

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 45 La Rose Avenue, if the requirements of By-law 1197-2022(OLT), including Section 5 and Schedule A are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with (B) to (S) below;
- (B) The **buildings** and **structures** permitted on the **lot** include the "Existing Building" and "New Building" as shown on Diagram 2 of By-law 1197-2022(OLT):
 - (i) For the purposes of this exception, "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 Diagram 2 of By-law 1197-2022(OLT); and
 - (ii) For the purposes of this exception, "New Building" means the proposed **apartment building** on the lands as shown on Diagram 2 of By-law 1197-2022(OLT);
- (C) Despite Regulation 15.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 129.85 metres and the elevation of the highest point of the **building** or **structure**;
- (D) Despite Regulation 15.10.40.10(1), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 2 of By-law 1197-2022(OLT);
- (E) Despite Regulation 15.10.40.10(2), the permitted maximum number of **storeys** in a **building** is the number following the letters "ST" as shown on Diagram 2 of By-law 1197-2022(OLT);
- (F) Despite Regulations 15.5.40.10(2), (3) and (5), and (D) and (E) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 2 of By-law 1197-2022(OLT) as follows:
 - (i) 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;

- (ii) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 2.5 metres;
 - (iii) landscape and outdoor amenity features, planters, outdoor cooking areas, pergolas, bike parking, guard rails, privacy screens and dividers on a balcony or terrace, by a maximum of 2.5 metres;
 - (iv) trellises, by a maximum of 3.0 metres;
 - (v) window washing equipment and telecommunications equipment, by a maximum of 1.5 metres; and
 - (vi) shade **structures** and wind mitigation **structures**, by a maximum of 3.5 metres;
- (G) Despite Regulation 15.10.40.40(1)(B), the permitted maximum **gross floor area** of the "New Building" as shown on Diagram 2 is 15,000 square metres;
- (H) The total **gross floor area** located within the "Existing Building" must not exceed 19,034 square metres;
- (I) Despite (B) and (H) above, provided the total **gross floor area** does not exceed 19,084 square metres, an additional 50 square metres of new 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 Diagram 2 of By-law 1197-2022(OLT);
- (J) A maximum of 182 dwelling units are permitted in the "New Building";
- (K) A maximum of 156 dwelling units are permitted in the "Existing Building";
- (L) Despite Regulation 15.10.40.70(1) to (4), the required minimum **building setbacks** are as shown in metres on Diagram 2 of By-law 1197-2022(OLT);
- (M) Despite Regulation 15.10.40.80(1), the required separation of **main walls** are as shown in metres on Diagram 2 of By-law 1197-2022(OLT);
- (N) Despite Regulations 15.5.40.60(1), (2) and (3), and (L) and (M) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) balconies, by a maximum of 2.0 metres;
 - (ii) exterior stairs, access ramps and elevating devices, by a maximum of 2.0 metres;
 - (iii) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 1.5 metres;

- (iv) dividers and **green roof** elements, by a maximum of 1.0 metre;
 - (v) dividers at grade, by a maximum of 3.0 metres;
 - (vi) shade **structures** and wind mitigation **structures**, by a maximum of 15.0 metres; and
 - (vii) **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;
- (O) Despite (D), (F), (L) and (N) above, no portion of the "New Building" may penetrate a 45-degree **angular plane** projected over the **lot** along 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;
- (P) Despite Regulation 15.5.100.1(1)(B), a **driveway** providing access to the **lot** may have a maximum width of 8.0 metres;
- (Q) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided for the "New Building" in accordance with the following:
- (i) a minimum of 0.9 residential occupant **parking spaces** for each one bedroom **dwelling unit**;
 - (ii) a minimum of 1.0 residential occupant **parking spaces** for each two bedroom **dwelling unit**;
 - (iii) a minimum of 1.2 residential occupant **parking spaces** for each three bedroom and greater **dwelling unit**;
 - (iv) a minimum of 0.2 residential visitor **parking spaces** for each **dwelling unit**; and
- (R) Despite Regulation 200.15.1(1), an accessible **parking space** must have the following minimum dimensions:
- (i) length of 5.6 metres;
 - (ii) width of 3.4 metres;
 - (iii) vertical clearance of 2.1 metres; and
 - (iv) The entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle of path;

- (S) Despite Regulation 230.5.1.10(9)(B)(iii), "long-term" **bicycle parking spaces** are permitted on all levels of the **building** below-ground.

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

4. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
5. Section 37 Requirements:
- (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 facilities, services and matters set out in Schedule A attached to this By-law as such are secured 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 A attached to 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 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.

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 A
Section 37 Requirements

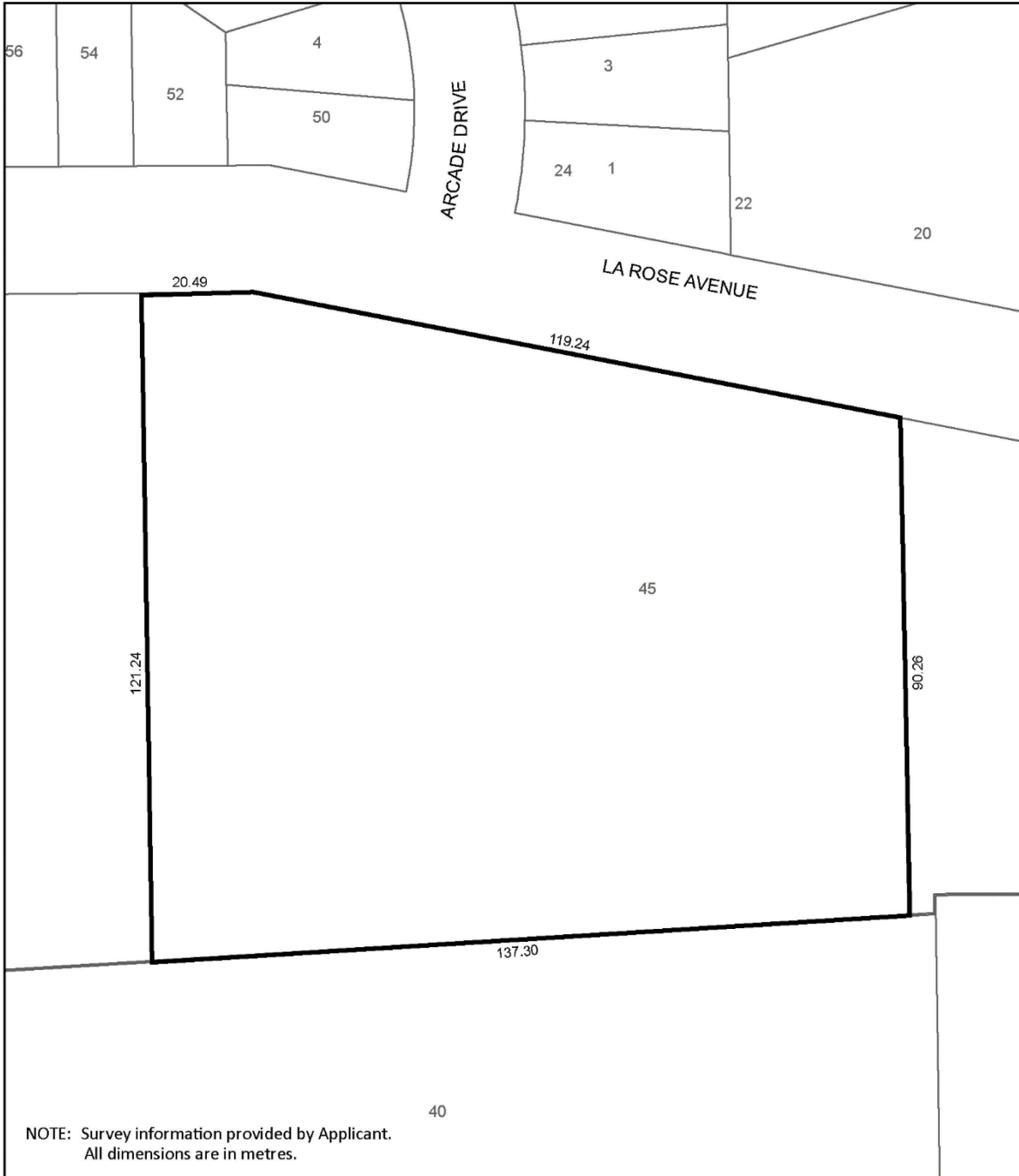
The facilities, services and matters set out below are required to be provided at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning 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:

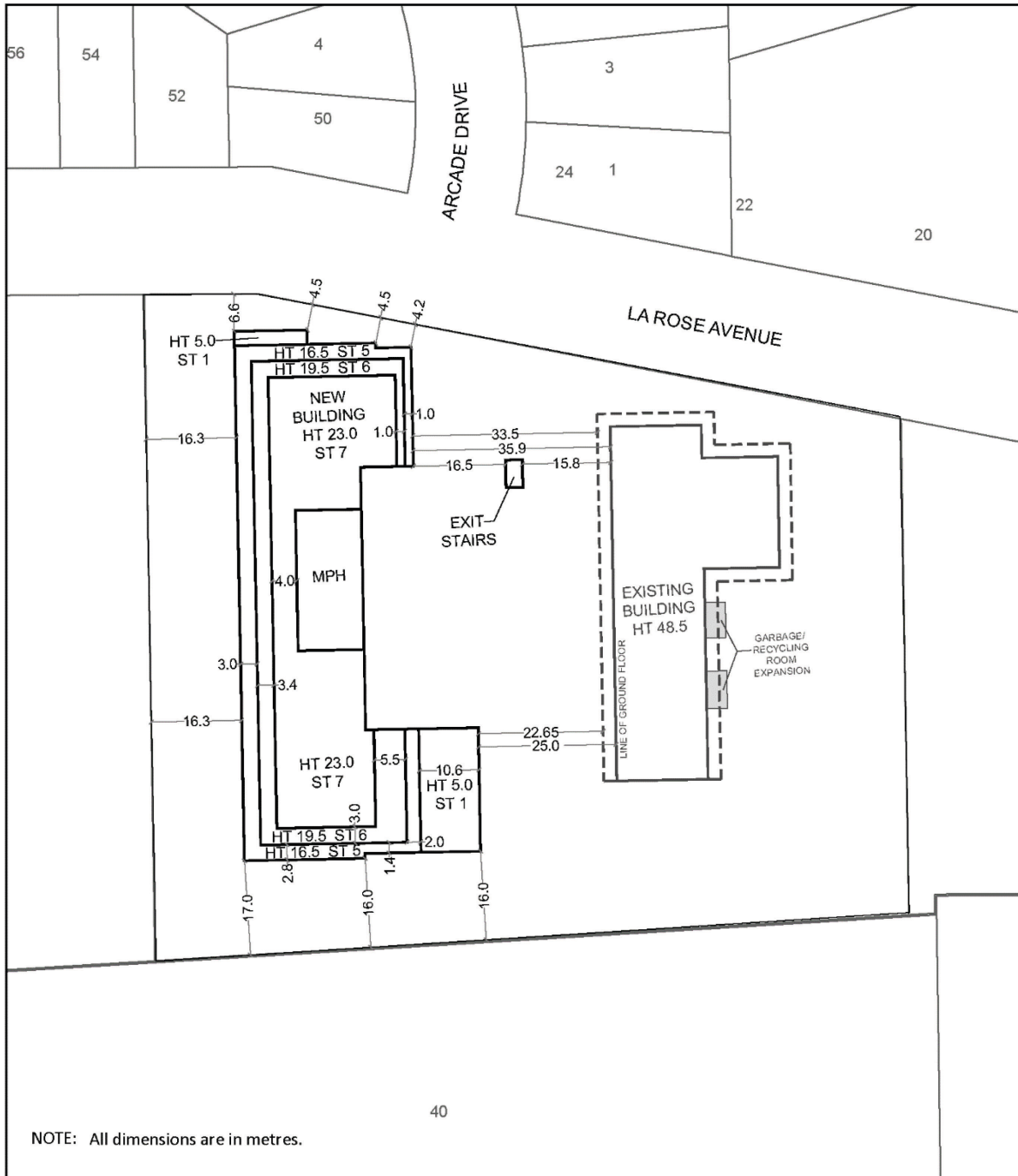
- (A) dust/mud control on and off-site;
- (B) location of truck loading points, trailer parking;
- (C) location and height of temporary material storage areas;
- (D) access/truck routing;
- (E) provision of hoarding, temporary fencing, temporary street signs, covered walkways, sidewalk diversions;
- (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**
Diagram 1

45 La Rose Avenue

File # 16 270193 WET 04 0Z



 **TORONTO**
Diagram 2

45 La Rose Avenue

File # 16 270193 WET 04 02