

Authority: Ontario Land Tribunal Decision issued on November 24, 2017, Ontario Land Tribunal Order issued on July 24, 2019 and Ontario Land Tribunal Order issued on August 11, 2022 in File PL151148

CITY OF TORONTO

BY-LAW 1204-2022(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 491 Glencairn Avenue and 278, 280 and 282 Strathallan Wood.

Whereas the Ontario Land Tribunal, by its Decision issued on November 24, 2017, Order issued on July 24, 2019 and Order issued on August 11, 2022 in File PL151148 approved amendments to the City of Toronto Zoning Bylaw 569-2013, as amended, with respect to the lands municipally known as 491 Glencairn Avenue and 278, 280 and 282 Strathallan Wood; 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 orders 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 adding the lands municipally known as 491 Glencairn Avenue and 278, 280 and 282 Strathallan Wood to

the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: CR 1.0 (c1.0; r1.0) SS2 (x282), as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding the lands municipally known as 491 Glencairn Avenue and 278, 280 and 282 Strathallan Wood to the Policy Overlay Map in Section 995.10.1, and adding the Policy Area overlay of PA4 to these lands, as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands municipally known as 491 Glencairn Avenue and 278, 280 and 282 Strathallan Wood to the Height Overlay Map in Section 995.20.1, and apply the Height label of HT 10.5, ST 3, as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands municipally known as 491 Glencairn Avenue and 278, 280 and 282 Strathallan Wood to the Lot Coverage Overlay Map in Section 995.30.1, and applying the Lot Coverage label of 33 percent to these lands, as shown on Diagram 5 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands municipally known as 491 Glencairn Avenue and 278, 280 and 282 Strathallan Wood to the Rooming House Overlay Map in Section 995.40.1,
8. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number 282 so that it reads:

Exception CR 282

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 491 Glencairn Avenue and 278, 280 and 282 Strathallan Wood, if the requirements of Section 10 and Schedule A of By-law 1204-2022(OLT) are complied with, a **building** may be erected and used if it is in compliance with paragraphs (B) to (U) below;
- (B) The **lot** refers to those lands delineated by a heavy black line on Diagram 1 of By-law 1204-2022(OLT);
- (C) Despite Regulations 40.5.40.10(1), the height of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 178.65 metres and the highest point of the **building** or **structure**.
- (D) Despite regulations 40.5.40.10(3), (4), (5) and (6), the following elements may project above the height indicated by the numbers following the "HT" symbol as shown on Diagram 6 of By-law 1204-2022(OLT) as follows:

- (i) mechanical equipment, elevator overruns, stair overruns, or a fence, wall or **structure** enclosing such elements, all of which may project up to 5 metres, within the areas labelled 'MPH' on Diagram 6 of By-law 1204-2022(OLT);
 - (ii) lighting fixtures, trellises, window washing equipment, landscape elements (including **green roofs**), flues, vents, stacks, chimneys, heating, cooling or ventilating equipment or a fence, wall or **structure** enclosing such elements, all of which may project up to 5 metres;
 - (iii) wind or privacy screens, architectural decorative elements, sukkahs, outdoor furniture, fences, all of which may project up to 3 metres;
 - (iv) guardrails, balustrades, safety railings, bollards, wheel chair ramps, parapets, cornices, thermal insulation and roof ballast, access roof hatch, all of which may project up to 1.5 metres;
- (E) Despite Regulation 40.10.30.40(1), the maximum **lot coverage** is 77 percent;
- (F) Despite Regulation 40.10.40.1(1), residential use portions of the **building** may be located below non-residential use portions of a **building**;
- (G) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** is 10,700 square metres, of which:
- (i) a minimum of 400 square metres of **gross floor area** on the first **storey** of the **building** is required for non-residential uses; and
 - (ii) **gross floor area** does not include areas in the **building** used for **public parking** below-ground;
- (H) Despite Regulation 40.10.20.100(1)(A), the total **interior floor area** of all **cabarets, clubs, eating establishments, entertainment places of assembly, places of assembly, recreation uses and take-out eating establishments** must not exceed 600 square metres;
- (I) Despite regulation 40.10.40.10(2), the permitted maximum height is shown in metres after the letters "HT" on Diagram 6 of By-law 1204-2022(OLT);
- (J) Despite Regulation 40.10.40.10(5), the required minimum height of the first **storey** for residential uses is 2.1 metres;
- (K) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** is shown after the letters "ST" on Diagram 6 of By-law 1204-2022(OLT);
- (L) Despite Clause 40.10.40.70, the required minimum **building setbacks** are as shown in metres on Diagram 6 of By-law 1204-2022(OLT);

- (M) Despite Regulation (L) above, Clause 5.10.40.70, 40.10.40.60, and Regulations 40.5.40.60(1), and 40.10.40.80(2), no portions of a **building** or **structure** above ground may extend beyond the areas delineated by heavy lines on Diagram 6 of By-law 1204-2022(OLT), with the exception of:
- (i) brick piers, roof overhangs and cornices, canopies, awnings, chimneys, balconies, lighting fixtures, parapets, trellises, eaves, window sills, window washing equipment, guardrails, balustrades, safety railings, bollards, vents, fences, wind or privacy screens, landscape elements (including **green roofs**), terraces, decorative architectural features, elevator overruns, heating, cooling or ventilating equipment, pilasters and sills, all of which may project up to 2.0 metres; and
 - (ii) a canopy, awning or similar **structure**, which may encroach into a required minimum **building setback** that abuts a **street**, if no part of the canopy, awning or similar **structure** is located more the 8.0 metres above the elevation of the ground directly below it;
- (N) Despite Regulation 40.10.50.10(3), a minimum 1.3 metre wide strip of **soft landscaping** is required along a **lot line** abutting a **lot** in the Residential Zone category and may include pedestrian walkways;
- (O) A minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms, and a minimum of 15 percent of the total number of **dwelling units** must have two bedrooms;
- (P) Despite Regulation 200.5.1.10(2), a maximum of 10 **parking spaces** may have minimum dimensions of 5.6 metres by 2.6 metres with a height of 2.0 metres, when obstructed on one side;
- (Q) Despite Regulations 200.5.10.1(1) and (6), and Table 200.5.10.1:
- (i) 0.1 **parking spaces** for each **dwelling unit** must be provided for residential visitors;
 - (ii) **parking spaces** for and non-residential uses and for residential visitors to a **dwelling unit** may be provided on a non-exclusive basis and may be located in a **public parking** area;
- (R) Despite Regulation 230.5.1.10(9)(B), required "long-term" **bicycle parking spaces** for a **dwelling unit** may be located on the first **storey** of the **building**, the second **storey** of the **building**, and any level of the **building** below-ground;
- (S) Despite Regulation 230.5.1.10(10), short term **bicycle parking spaces** may be located in a **stacked bicycle parking space**;
- (T) An accessible **parking space** must have the following minimum dimensions:

- (i) length of 5.6 metres;
 - (ii) width of 3.4 metres; and
 - (iii) vertical clearance of 2.1 metres;
- (U) The entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path.

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

9. Despite any existing or future consent, severance, partition or division of the lands as shown on Diagram 1 of this By-law, the provisions of this By-law apply to the whole of the lands as one **lot**, as if no consent, severance, partition or division occurred.

10. Section 37 Provisions

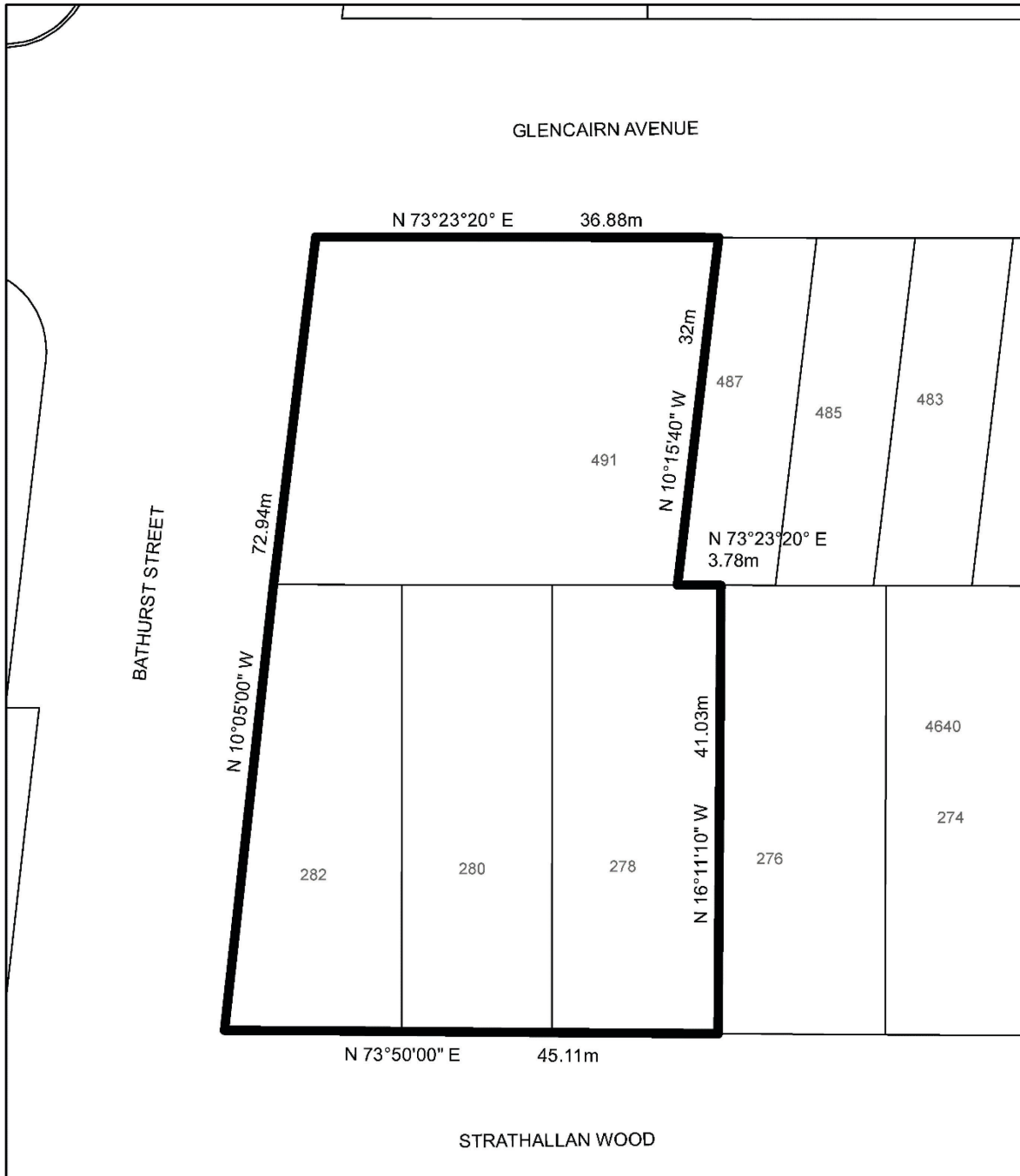
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 of this By-law, in return for the provision by the owner, at the owner's expense of the facilities, service and matters set out in Schedule A to this By-law 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 must not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to exceptions of By-law 569-2013, as amended, unless the provisions of Schedule A of this By-law are satisfied.

Ontario Land Tribunal Decision issued on November 24, 2017, Ontario Land Tribunal Order issued on July 24, 2019 and Ontario Land Tribunal Order issued on August 11, 2022 in File PL151148.

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 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:

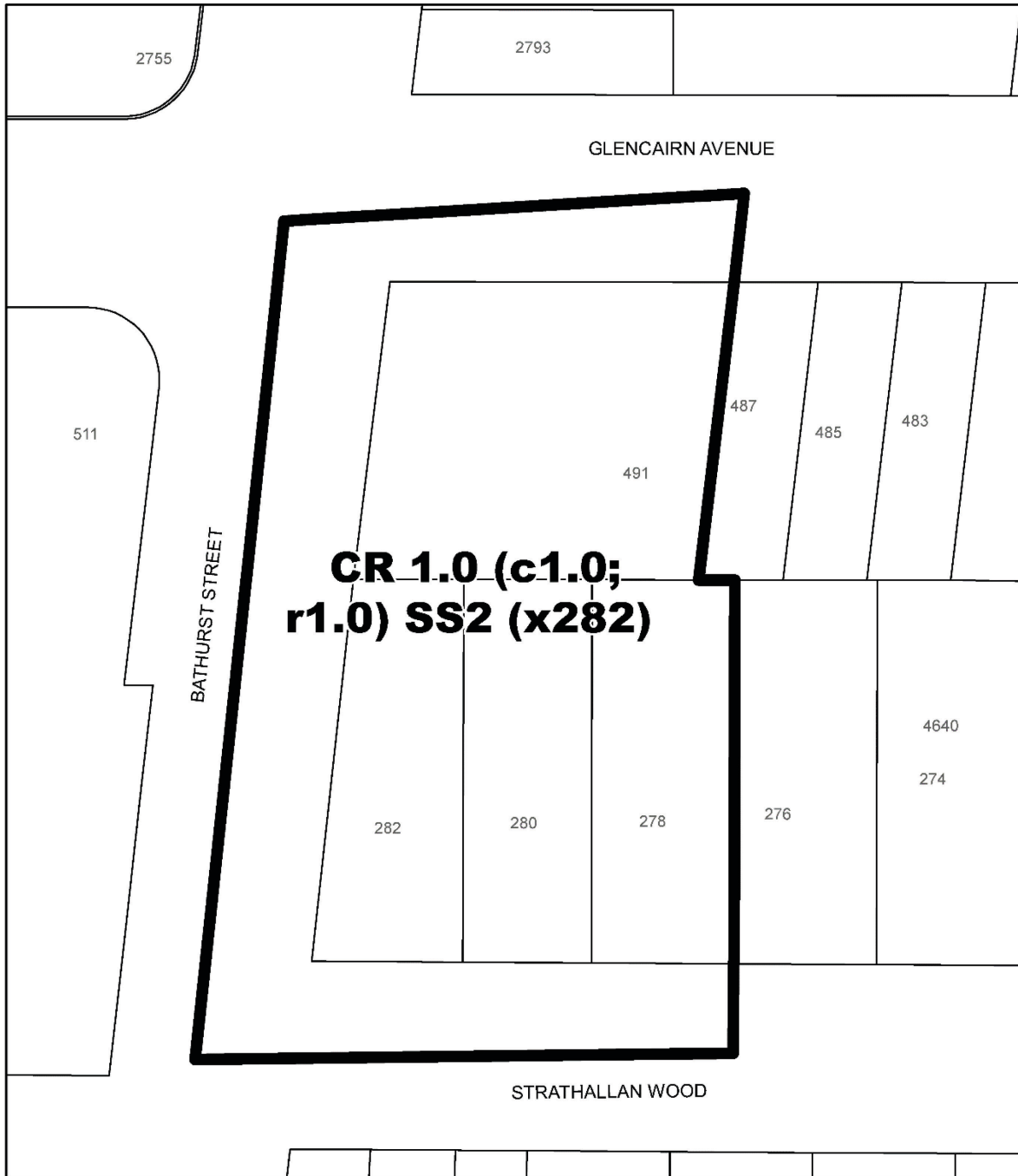
- i. A cash contribution of \$750,000.00 to be paid by the owner prior to the issuance of the first above-grade building permit for the proposed development and to be allocated towards local park improvements in Ward 8 and/or local area streetscape and public realm improvements along Bathurst Street, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
- ii. The \$750,000.00 cash contribution is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication 327-0058, or its successor, calculated from the date of the execution of the agreement to the date of payment, which date shall be prior to the issuance of the first above-grade permit for the proposed development; and
- iii. In the event the cash contribution referred to in Part i above has not been used for the determined purpose within three years of the amending Zoning 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 the purpose is identified in Official Plan Policy 5.1.1 and will benefit the community in the vicinity of the lands;
- iv. The Owner shall construct and maintain the development in accordance with the Tier 1 performance measures of the Toronto Green Standard;
- v. The Owner shall make improvements along Glencairn Avenue, which include curb extensions/bump-outs and a minimum 2.1 metre-wide public sidewalk within the public boulevard; and
- vi. The Owner shall make intersection improvements at the north-east corner of Strathallan Wood and Bathurst Street to include curb extensions/bump-outs to increase pedestrian safety.



 **TORONTO**
Diagram 1

**491 Glencairn Avenue &
278, 280 & 282 Strathallan Wood Rd**

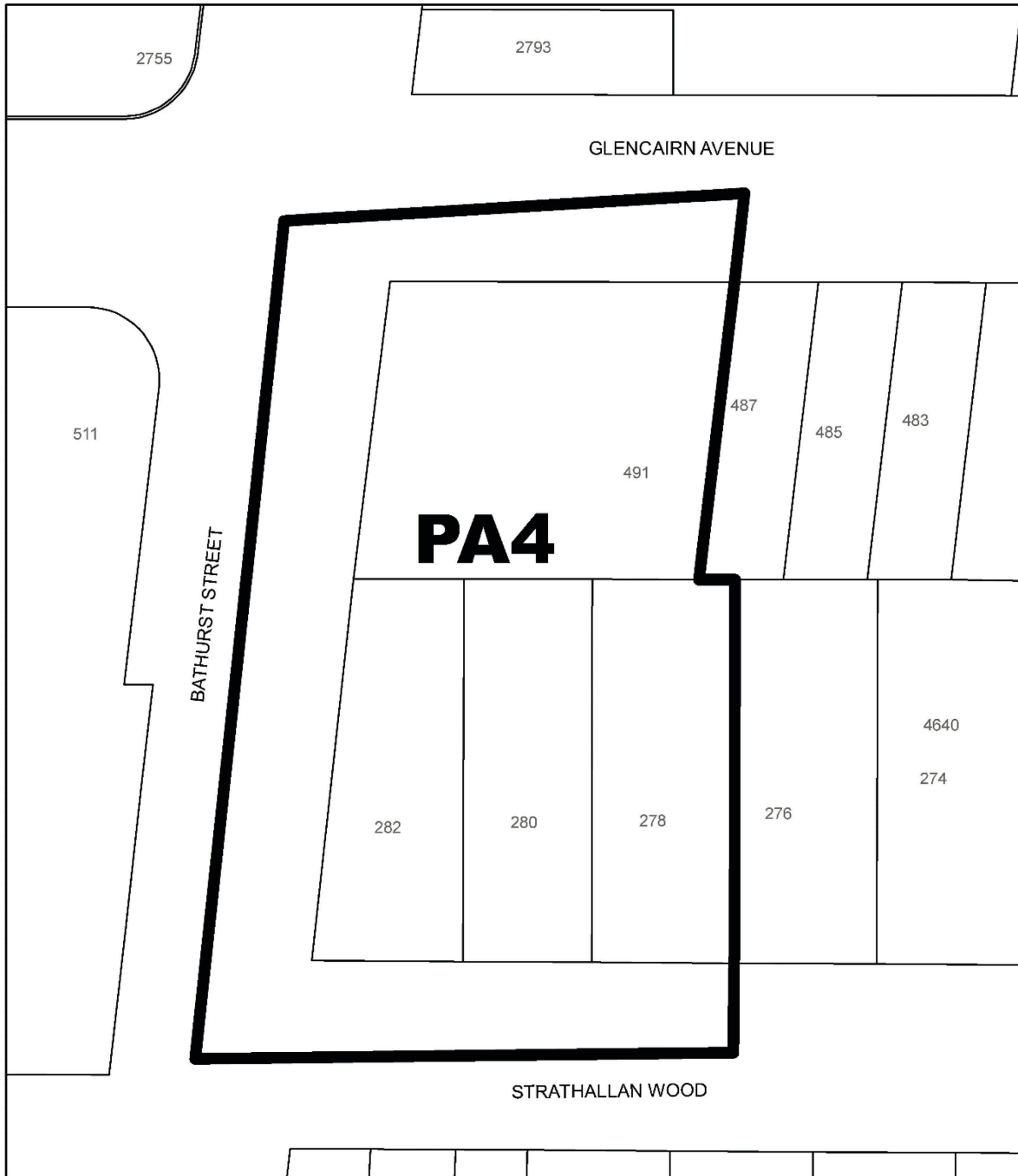
File #: 14 102565 NNY 16 02



 **TORONTO**
Diagram 2

**491 Glencairn Avenue &
278, 280 & 282 Strathallan Wood Rd**

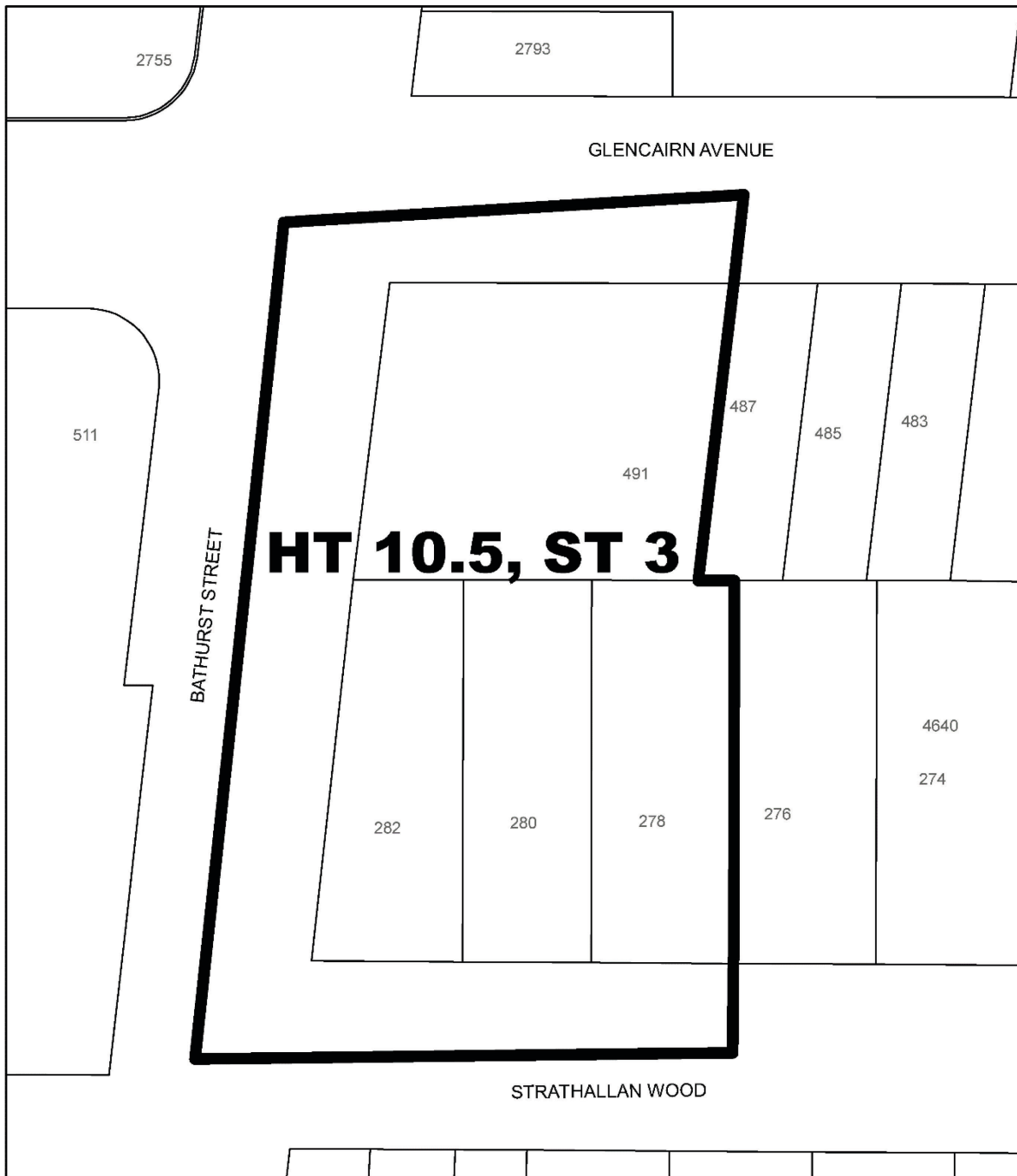
File #: 14 102565 NNY 16 0Z



 **TORONTO**
Diagram 3

**491 Glencairn Avenue &
278, 280 & 282 Strathallan Wood Rd**

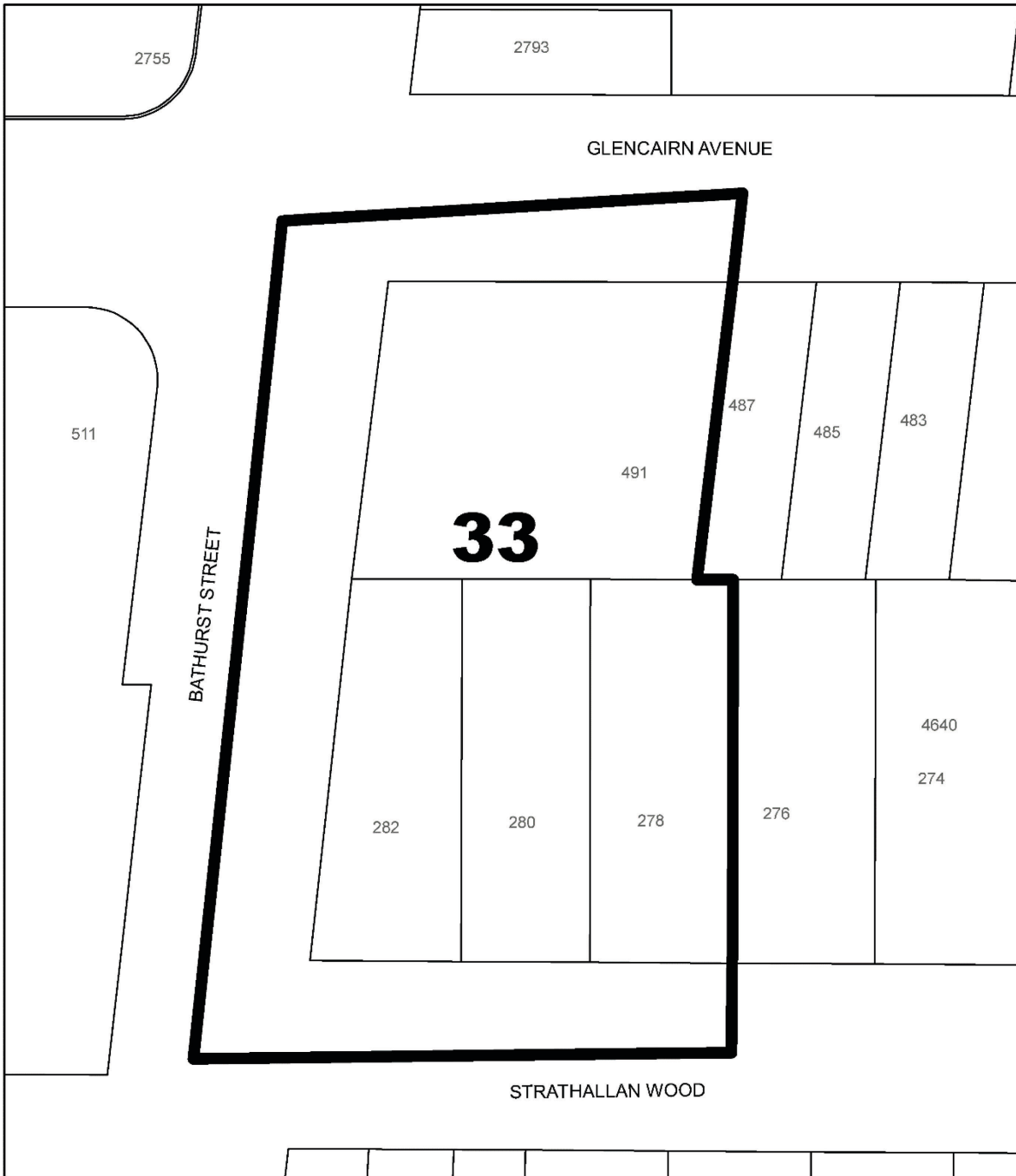
File #: 14 102565 NNY 16 02



 **TORONTO**
Diagram 4

**491 Glencairn Avenue &
278, 280 & 282 Strathallan Wood Rd**

File #: 14 102565 NNY 16 02



 **TORONTO**
Diagram 5

**491 Glencairn Avenue &
278, 280 & 282 Strathallan Wood Rd**

File #: 14 102565 NNY 16 02

