

Authority: North York Community Council Item NY26.3, as adopted by City of Toronto Council on December 5, 6, 7 and 8, 2017

CITY OF TORONTO

Bill 317

BY-LAW -2018

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2018 as 1648-1682 Victoria Park 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 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:

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 RM(51), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.6.100 Exception Number 51 so that it reads:

Exception RM 51

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 1648-1682 Victoria Park Avenue, if the requirements of Clause (5) and Schedule 'A' of [By-law XXXX-2018] are complied with, none of the provisions of Regulations 10.5.40.70(1), 10.5.50.10(4), 10.5.50.10(5), 10.5.80.40(3), 10.5.100.1(4), 10.5.100.1(5), 10.5.100.1(8), 200.5.10.1(1), and Clause 200.15.1.5 apply to prevent the erection or use of a **building** or **structure** permitted in compliance with (B) to (Q) below;
- (B) Despite Regulation 10.80.20.40(1), the only permitted **residential building** type is **apartment building**;
- (C) The permitted maximum number of **dwelling units** is 147;
- (D) Despite Regulations 10.80.40.10(1) and 10.80.40.10(3), the permitted maximum **building** height is 15.5 metres and 5 storeys;
- (E) Despite Regulation 10.80.40.40(1), the total permitted maximum **gross floor area** of all **buildings** is 16,150 square metres;
- (F) Despite Clause 10.80.30.40, the permitted maximum **lot coverage** is 51 percent;
- (G) Despite Clause 10.80.40.70, the required minimum **building setbacks** are shown on Diagram 3 of [By-law xxxx-2018];
- (H) Despite Regulation 10.80.40.80(2), the required minimum separation distance between **buildings** is shown on Diagram 3 of [By-law xxx -2018];
- (I) Despite Regulation 10.5.40.10(1), the heights of the **buildings** is the difference between the Canadian Geodetic Datum of 156.00 metres and the elevation of the highest point of the **building**;
- (J) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, the required minimum number of **parking spaces** is:
 - (i) 0.9 **parking space** per 1 bedroom **dwelling unit**;
 - (ii) 1.0 **parking spaces** per 2 bedroom **dwelling unit**;
 - (iii) 1.2 **parking spaces** per 3 or more bedroom **dwelling unit**; and
 - (iv) 0.2 **parking spaces** per **dwelling unit** for visitors.
- (K) Despite Clause 10.5.40.60, and despite (G) and (H) above, no part of any building or structure erected or used above finished ground level shall be located otherwise

than wholly within the area delineated by heavy lines on Diagram 3, with the exception of the following:

- (i) Vents, balconies, awnings, canopies, porches, pergolas, access stairs for parking garage, and wheelchair ramps may encroach into the minimum **building setbacks** and distance separation between **buildings** on the **lot** a maximum of 2.5 metres and pergolas may also project vertically above the finished ground level by no more than 2.75 metres;
 - (ii) In a **front yard**, a platform with a floor no higher than the floor of the first **storey** of the **building** above **established grade** may encroach into the required **front yard setback** a maximum of 3 metres;
 - (iii) In a **rear yard**, a platform with a floor no higher than the floor of the first **storey** of the **building** above **established grade** may encroach into the required **rear yard setback** a maximum of 3 metres, with the exception of a platform associated with the outdoor amenity space, which may encroach into the required **rear yard setback** to a maximum length of 7.880 metres measured with a line parallel to the south **lot** line, and a maximum length of 12.5 metres, measured with a line parallel to the west **lot** line;
 - (iv) The **parking garage** and a platform, porch or deck above it may project vertically above **established grade** no higher than 1.6 metres and may encroach into the permitted minimum **rear yard setback** behind **buildings** "C" and "D" shown on Diagram 3 attached to [By-law xxx -2018] to a maximum length of 7.880 metres, measured with a line parallel to the south **lot** line, and a maximum of 23 metres, measured with a line parallel to the west **lot** line; and
 - (v) Ornamental cladding may encroach into the minimum **building setbacks** and the distance separation between **buildings** on the **lot** to a maximum of 0.2 metres;
- (L) Despite Regulation 230.5.10.1(5), "long term" **bicycle parking spaces** must be provided at a rate of 0.9 for each **dwelling unit**;
- (M) Despite Regulation 230.5.10.1(5), "short term" **bicycle parking spaces** must be provided at a rate of 0.1 per **dwelling unit**;
- (N) Despite Regulation 10.5.50.10 (4), a minimum of 2,750 square metres of the lot must be used for **landscaping**, of which at least 1,250 square metres must be **soft landscaping**;
- (O) A minimum of 300 square metres of indoor **amenity space** must be provided;
- (P) A minimum of 780 square metres of outdoor **amenity space** must be provided; and

- (Q) A temporary sales presentation centre is permitted in a **building** on these lands for the purpose of marketing and sale of the dwelling units permitted on these lands, and no other provisions of this By-law apply to prevent the temporary sales presentation centre.

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

5. Section 37 Provisions

- (i) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 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 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.
- (ii) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of an above grade building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (iii) The owner shall not use, or permit the use of, a building or structure erected with an increase in density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on March , 2018.

Frances Nunziata,
Speaker

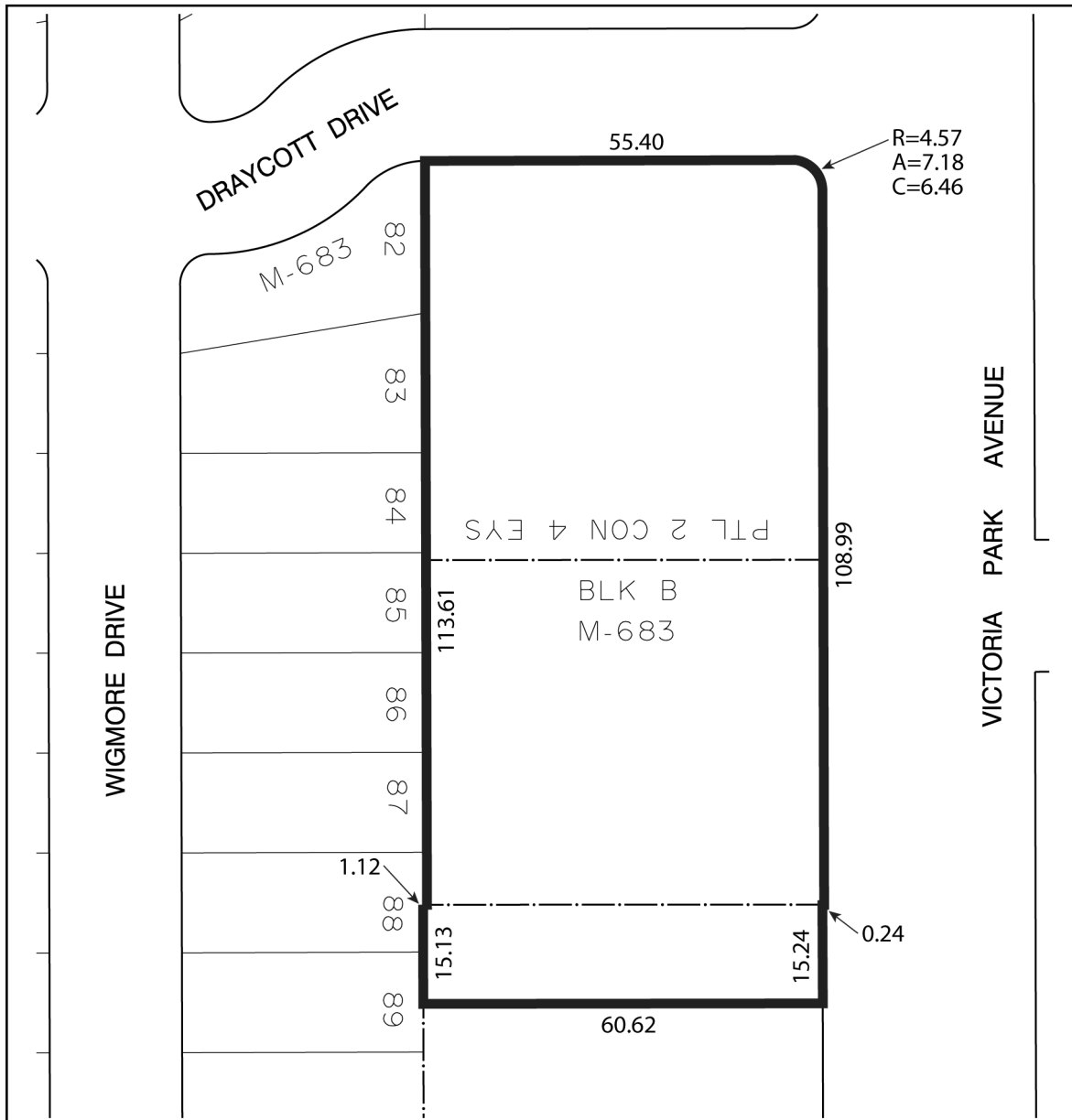
Ulli S. Watkiss,
City Clerk

(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 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:

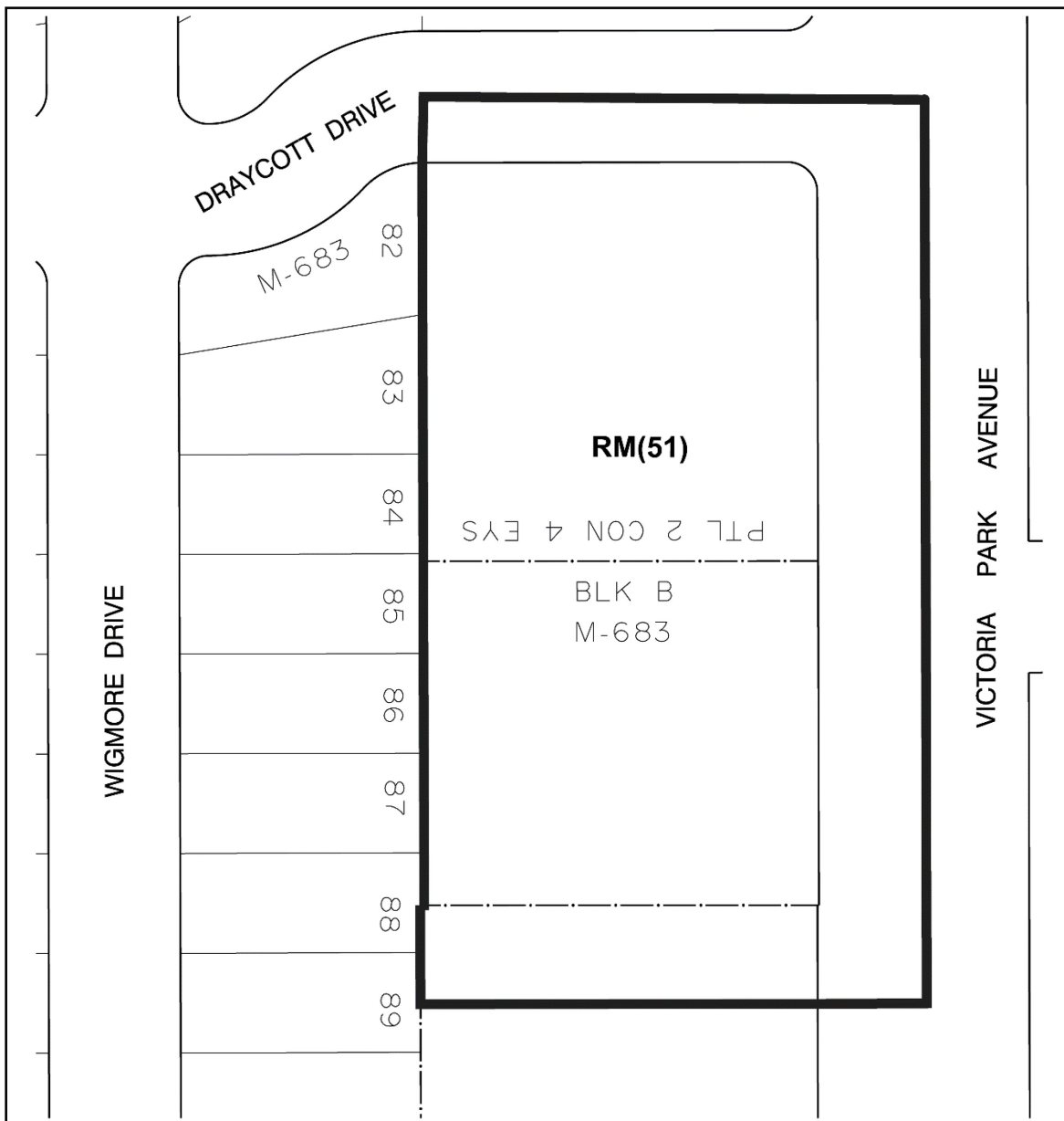
- (1) Prior to issuance of an above grade building permit the owner shall make a financial contribution to the City in the amount of \$850,000.00 to be allocated as follows at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor:
 1. \$850,000.00 to be directed towards improvements in Wigmore Park; with such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
- (2) In the event the cash contribution referred to in Section 1 has not been used for the intended purpose within three (3) years of this 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 of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- (3) Prior to the issuance of an above grade building permit, the Owner shall design, construct and pay for any necessary improvements to the municipal infrastructure external to the lands shown on Diagram 1, including replacement of approximately 67.7 metres of 300 millimeter sanitary sewer with 450 millimeter diameter sanitary sewer, in the Anewen Greenbelt / Charles Sauriol Conservation Area in the Don River Valley, between MH4312719532 and MH4312919464 (the "Sanitary Pipe Improvements"), in accordance with the Functional Servicing Report, prepared by a.m. candaras associates inc., dated January 12, 2018, as accepted by the Chief Engineer and Executive Director of Engineering and Construction Services and the General Manager of Toronto Water. The final technical details and detailed engineering design of the Sanitary Pipe Improvements will be finally determined and approved, to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services, in an Infrastructure Agreement, to be entered into between the Owner and the City prior to the issuance of an above grade building permit.



 **TORONTO**
Diagram 1

1648 - 1682 Victoria Park Avenue

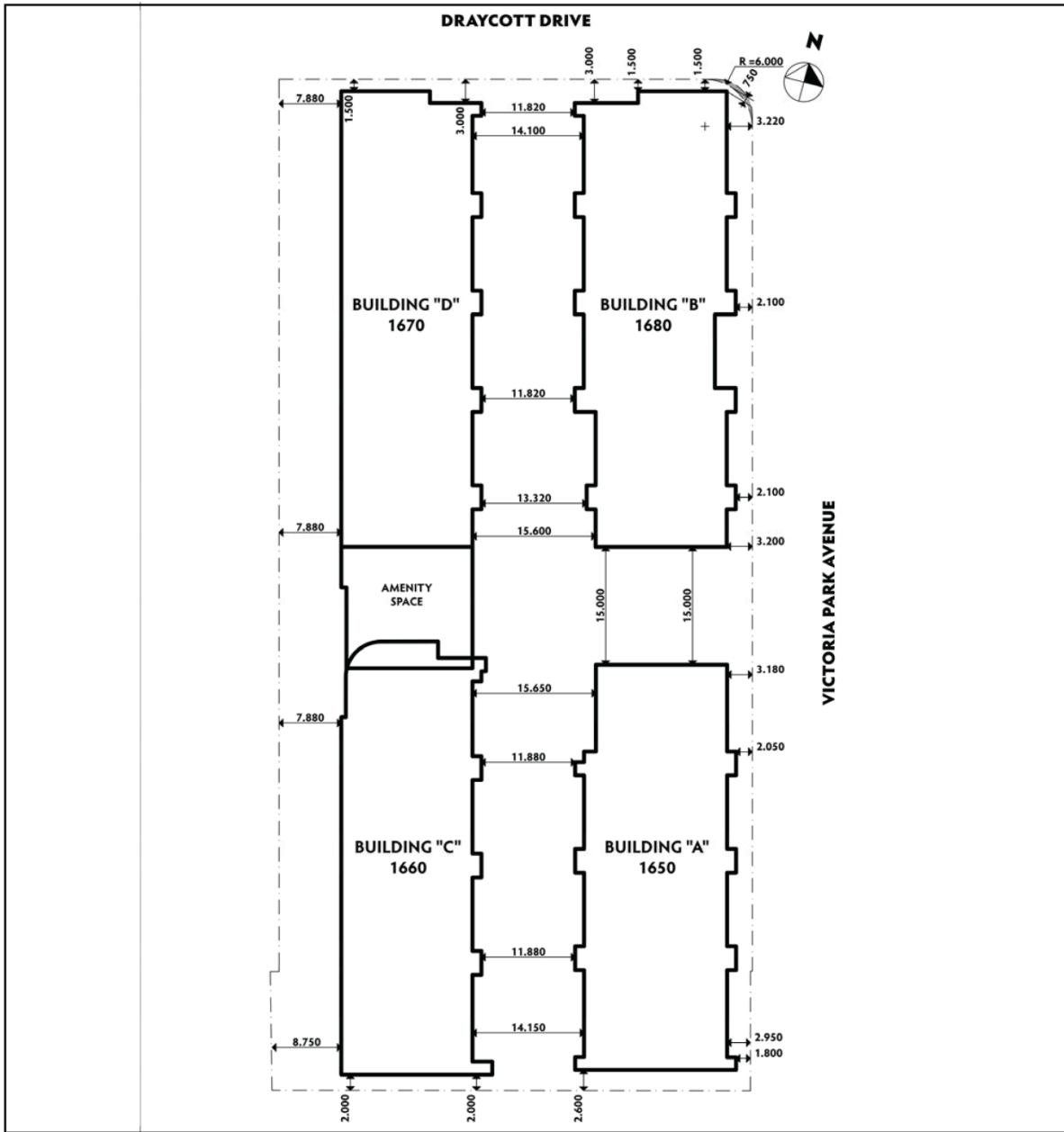
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 **TORONTO**
Diagram 2

1648 - 1682 Victoria Park Avenue

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TORONTO
 Diagram 3

▭ Lands to be conveyed

1648 - 1682 Victoria Park Avenue

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