

Authority: Scarborough Community Council Item SC31.4, as adopted by City of Toronto Council on June 26, 27 and 28, 2018

CITY OF TORONTO

Bill 828

BY-LAW -2018

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2018 as 971, 973, 975, 977 and 979 Warden 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 hereby enacts 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 the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to RD (x595), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.3.10 Exception Number 595 so that it reads:

Exception RD 595

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

Site Specific Provisions:

- (A) On 971, 973, 975, 977 and 979 Warden Avenue, if the requirements of Section 5 and Schedule 'A' of By-law [Clerks to supply by-law ##] are complied with, a **building** or **structure** is permitted if it complies with the following regulations;
- (B) For the purpose of this exception, for parcels 1-19 and parcels 24-26 the **front lot line** is the shortest **lot line** abutting the Private Road and for parcels 20-23 the **front lot line** is the **lot line** closest to Warden Avenue as identified on Diagram 3 of By-law [Clerks to supply by-law ##];
- (C) For the purpose of this exception, **established grade** for a **lot/parcel** as identified on Diagram 3 of By-law [Clerks to supply by-law ##], is as follows:
 - (i) 165.7 metres for lot/parcel 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11;
 - (ii) 165.1 metres for lot/parcel 12, 13, 14, 15, 16, 17 and 18;
 - (iii) 163.7 metres for lot/parcel 19;
 - (iv) 164.3 metres for lot/parcel 20, 21, 22 and 23; and
 - (v) 165.4 metres for lot/parcel 24, 25 and 26
- (D) The permitted maximum height of a **building** or **structure** is 10.5 metres and 3 **storeys**, excluding **basements**, and shall be measured from **established grade**;
- (E) For **lot/parcel** 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 no part of a **building** or **structure** may penetrate a 45 degree **angular plane** projected over the **lot/parcel** from the highest point of ground along the entire length of the **rear lot line** for that **lot/parcel**;
- (F) For the purpose of this exception, for a **detached house**, all waste and **recyclable material** must be stored in a wholly enclosed **building**;
- (G) Despite regulation 5.10.30.1(1)(B), all Municipal water mains and Municipal sewers, and their appurtenances are installed and operational;
- (H) Despite regulation 10.5.50.10(1), the space between the front **main wall** of a **building** and a **front lot line**, not covered by a permitted **driveway**, permitted platform and a maximum 1.2 metre wide walkway, must be maintained as **soft landscaping**;
- (I) Despite regulations 10.20.30.10(1) the minimum **lot area** for each **lot/parcel**, as identified on Diagram 3 of By-law [Clerks to supply by-law ##], is:
 - (i) **Lot/Parcel** 1, 245 square metres;

(ii)	Lot/Parcel 2,	235 square metres;
(iii)	Lot/Parcel 3,	240 square metres;
(iv)	Lot/Parcel 4,	240 square metres;
(v)	Lot/Parcel 5,	250 square metres;
(vi)	Lot /Parcel 6,	390 square metres;
(vii)	Lot /Parcel 7,	370 square metres;
(viii)	Lot /Parcel 8,	240 square metres;
(ix)	Lot /Parcel 9,	235 square metres;
(x)	Lot /Parcel 10,	235 square metres;
(xi)	Lot /Parcel 11,	345 square metres;
(xii)	Lot /Parcel 12,	290 square metres;
(xiii)	Lot /Parcel 13,	195 square metres;
(xiv)	Lot /Parcel 14, 15, 16 and 17,	195 square metres;
(xv)	Lot /Parcel 18,	190 square metres;
(xvi)	Lot /Parcel 19,	250 square metres;
(xvii)	Lot /Parcel 20,	170 square metres;
(xviii)	Lot /Parcel 21 and 22,	180 square metres;
(xix)	Lot /Parcel 23,	185 square metres;
(xx)	Lot/Parcel 24,	195 square metres;
(xxi)	Lot /Parcel 25,	200 square metres; and
(xxii)	Lot /Parcel 26,	205 square metres;

(J) Despite regulations 10.20.30.20(1) the minimum **lot frontage** for each **lot/parcel**, as identified on Diagram 3 of By-law [Clerks to supply by-law ##], is:

(i)	Lot/Parcel 1,	11.0 metres;
(ii)	Lot/Parcel 2, 3 and 4,	10.7 metres;
(iii)	Lot/Parcel 5,	5.3 metres;
(iv)	Lot/Parcel 6 and 7,	4.8 metres;
(v)	Lot /Parcel 8,	6.4 metres;
(vi)	Lot /Parcel 9,	10.7 metres;
(vii)	Lot /Parcel 10,	8.6 metres;
(viii)	Lot/Parcel 11,	6.4 metres;
(ix)	Lot /Parcel 12,	4.0 metres;
(x)	Lot /Parcel 13,	5.8 metres;
(xi)	Lot /Parcel 14, 15, 16 and 17,	8.3 metres;
(xii)	Lot /Parcel 18,	6.2 metres;
(xiii)	Lot /Parcel 19,	7.4 metres;
(xiv)	Lot /Parcel 20, 21 and 22,	8.9 metres;
(xv)	Lot /Parcel 23,	9.4 metres;
(xvi)	Lot /Parcel 24 and 25,	8.3 metres; and
(xvii)	Lot /Parcel 26,	7.9 metres;

(K) Despite regulation 10.20.30.40(1), the maximum **lot coverage** for each **lot/parcel**, as identified on Diagram 3 of by-law [Clerks to supply by-law ##], is:

(i)	Lot/Parcel 1, 2, 3, 4, 5, and 6,	39 percent
(ii)	Lot/Parcel 7, 8, 9, 10, and 11,	41 percent

(iii)	Lot/Parcel 12, 13, 14, 15, 16, 17, and 18,	46 percent
(iv)	Lot/Parcel 19,	35 percent
(v)	Lot/Parcel 20, 21, 22, 23,	46 percent
(vi)	Lot/Parcel 24, 25, 26,	43 percent

- (L) Despite regulation 10.20.40.10 Height (2) (A) and (B) shall not apply;
- (M) Despite clause 10.20.40.70, the minimum required **building setbacks** are shown on Diagram 3 of By-law **[Clerks to supply by-law ##]**;

Prevailing By-laws and Prevailing Sections (None Apply)

5. 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/or 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.
- (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 shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on June , 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 height and/or 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 other than building permit for a temporary sales office/pavilion, the owner shall:
 - a. The owner shall make a one-time voluntary cash contribution in the amount of \$25,000 to be directed towards improvements, including a new ventilation system, to the washroom facilities at the Ashtonbee Fieldhouse, located in Ashtonbee Reservoir Park at 10 Ashtonbee Road;
 - b. The owner agrees to implement and administer the approved Architectural Control Guidelines, dated October 2017 (date stamped March 16, 2018) and prepared by Turner Fleischer Architects Inc.. The owner further agrees to retain a Control Architect acceptable to the Chief Planner and Executive Director City Planning Division to certify that the building plans for each dwelling unit are consistent with the approved Guidelines;
 - c. The owner shall submit, to the Chief Engineer and Executive Director of Engineering and Construction Services, for review and acceptance:
 - (i) flow monitoring results on the existing municipal sanitary sewer in order to determine if the proposed development on the site can be adequately serviced, and whether the existing municipal infrastructure is adequate; and
 - (ii) final servicing plans and report that include the flow monitoring results in (1) c. (i) above.
 - d. If the results of the flow monitoring referenced in (1)c.(i) indicate that the existing infrastructure cannot support the proposed development, the owner shall submit a financial security to the City in the amount of \$115,175.00 for sanitary sewer improvements, to the satisfaction and acceptance by the Chief Engineer and Executive Director of Engineering and Construction Services;

Widening of Highways that abut the Land:

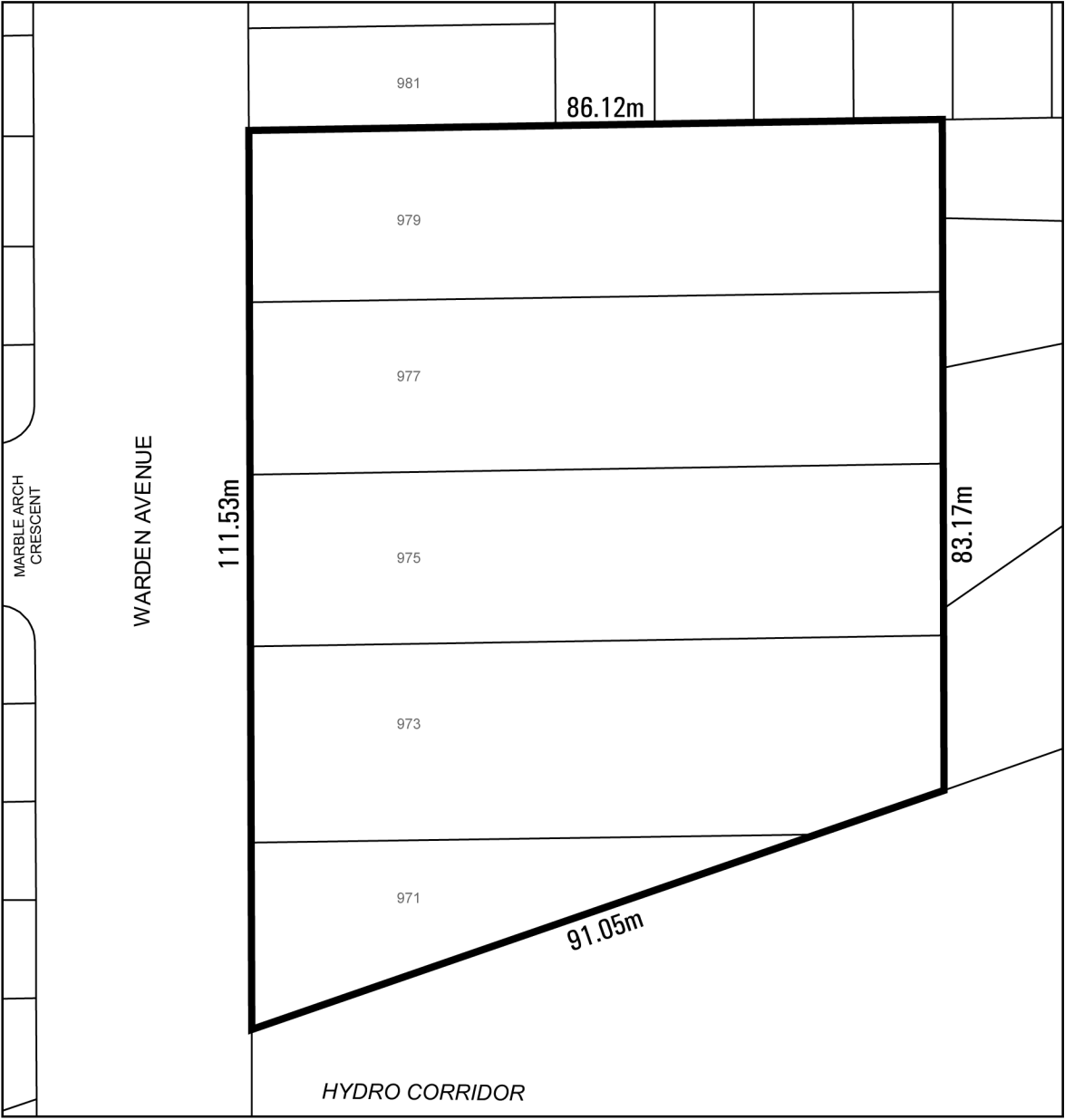
- e. The owner shall prepare all documents and convey to the City, at nominal cost (a widening measuring approximately 1.89 metres along the entire frontages on Warden Avenue of the lands to satisfy the Official Plan requirement of a 30.0 metre wide right-of-way), in fee simple, such lands to be free and clear of all physical and title encumbrances, and subject to a right-of-way for access in favour of the Grantor until such time as said lands have dedicated as a public highway,

all to the satisfaction to the Chief Engineer and Executive Director of Engineering and Construction Services and the City Solicitor;

- f. The owner shall submit a draft Reference Plan of Survey to the Chief Engineer and Executive Director of Engineering and Construction Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:
 - i. be in metric units and integrated with the Ontario Co-ordinate System (3 degrees MTM, Zone 10, NAD 83 CSRS);
 - ii. delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and
 - iii. show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.
- g. Pay all costs for registration and preparation of reference plan(s);
- h. The owner shall retain a Qualified Person to conduct environmental site assessments for the lands to be conveyed to the City;
- i. The owner shall submit a Qualified Person Preliminary Statement Letter, that is stamped, dated and signed by the applicant's Qualified Person (the "QP"), as defined in O. Reg. 153/04, as amended, describing the lands to be conveyed to the City, and identifying what environmental documentation will be provided to the City's Peer Reviewer to support this conveyance; all environmental documentation shall be submitted without any limitation regarding liability, indemnity or reliance;
- j. The owner shall pay all costs associated with the City retaining a third-party Peer Reviewer including a 7 percent administrative cost to the City, and submit a certified cheque payable to the City of Toronto in the amount of \$8,000.00, as an initial deposit towards the cost of the peer review to the Chief Engineer and Executive Director, Engineering and Construction Services;
- k. The owner shall submit further deposits when requested to cover all costs of retaining a third-party peer reviewer (unused funds will be refunded to the applicant by the City);
- l. The owner shall submit, to the satisfaction of the City's Peer Reviewer, all Environmental Site Assessment reports prepared in accordance with the Record of Site Condition Regulation (O. Reg. 153/04, as amended) describing the current conditions of the land to be conveyed to the City and the proposed Remedial Action Plan based on the site condition standards approach, to the Chief Engineer and Executive Director, Engineering and Construction Services;
- m. At the completion of the site assessment/remediation process, the owner shall

submit a Statement from the Qualified Person, to the Chief Engineer and Executive Director, Engineering and Construction Services, for peer review and concurrence that based on all necessary supporting environmental documents:

- (i) it is unlikely that there is any off-site contamination resulting from past land uses on the development site that has migrated on to adjacent City lands that would exceed the applicable Site Condition Standards; and
 - (ii) the land to be conveyed to the City meets either:
 - the applicable MOE Generic Site Condition Standards (Tables 1, 2, 3, 6, 7, 8 and 9) for the most environmentally sensitive adjacent land use; or
 - the Property Specific Standards (PSSs) as approved by the MOE for a Risk Assessment/Risk Management Plan which was conducted in accordance with the City Policies and Conditions for the Acceptance of Risk Assessed Lands (Clause 18 of Works Committee Report 2, April 25, 26 and 27, 2006);
- n. The QP's statement, referenced in (1)i. above, will include a Reliance Letter that is stamped, dated and signed by the applicant's Qualified Person (the "QP"), as defined in O. Reg. 153/04, as amended confirming that both the City and the City's Peer Reviewer can rely on the environmental documentation submitted and the QP's opinion as to the condition of the site; and
- o. The owner must provide a certified cheque, addressed to the Treasurer, City of Toronto, in the amount of \$2,000.00 for the enactment and installation of the required regulatory/enforceable traffic control signage installation at both driveway locations onto Warden Avenue to the satisfaction of the Director, Transportation Services.
- (2) The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009 and updated through the adoption of item PG32.3 of the Planning and Growth Management Committee in 2013.
- (3) In the event the cash contribution(s) referred to in (1)a. 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.

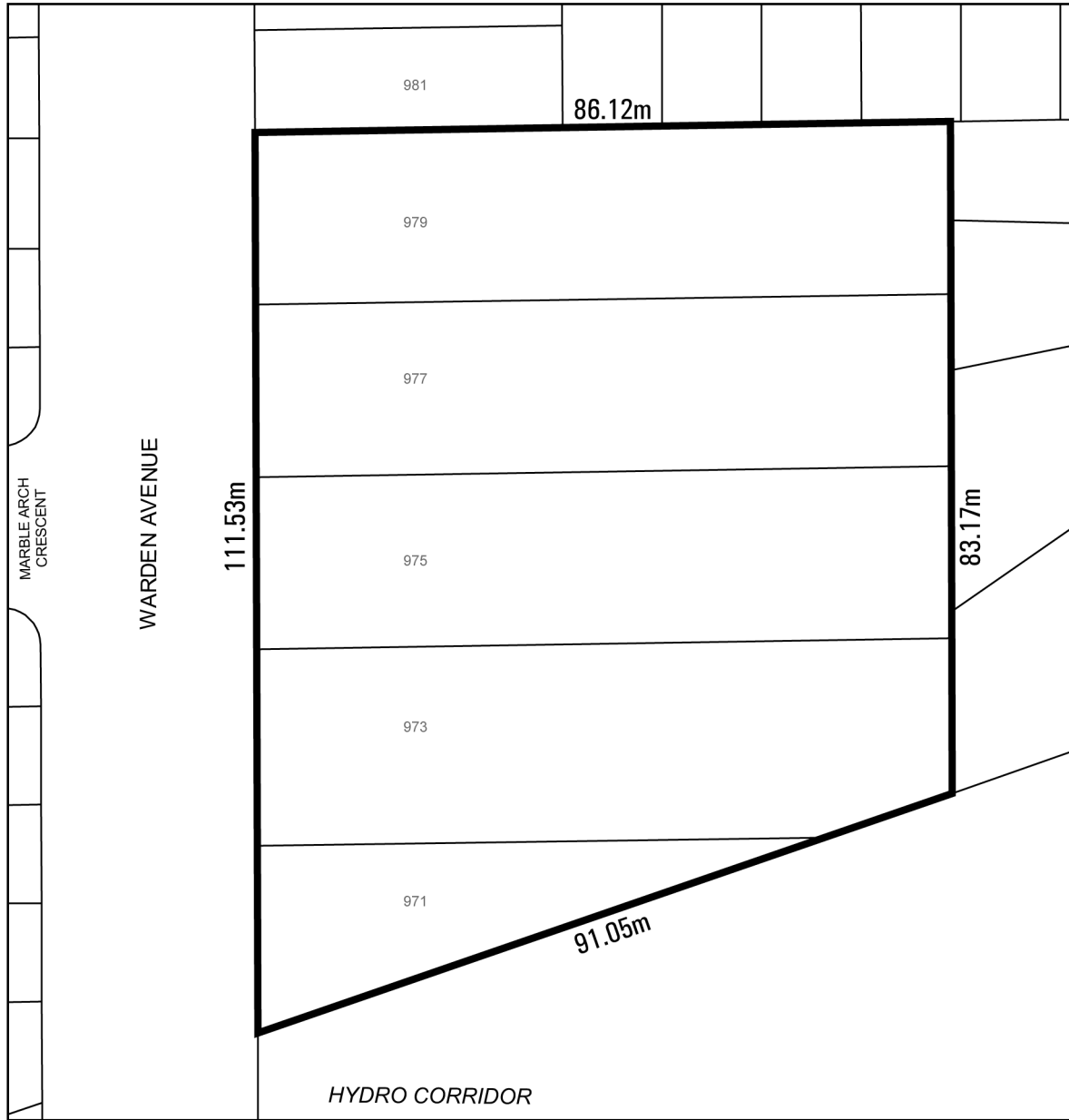


 **Toronto**
Diagram 1

971-979 Warden Avenue

File # 16 271669 ESC 37 OZZ



City of Toronto By-Law 569-2013
Not to Scale
5/07/2018



 **Toronto**
Diagram 1

971-979 Warden Avenue

File # 16 271669 ESC 37 OZZ


City of Toronto By-Law 569-2013
Not to Scale
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