

Authority: North York Community Council Item NY9.3,
as adopted by City of Toronto Council on October 29 and
30, 2019

CITY OF TORONTO

Bill 1488

BY-LAW -2019

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2019 as 104-110 Bartley Drive.

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;

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 adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zoning labels to these lands: RT (189) and O as shown on Diagram 2 attached to this By-law; and
4. Zoning By-law 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height and storey label to these lands: HT 10.5; ST 4, as shown on Diagram 3 attached to this Bylaw;
5. Zoning By-law 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1, Lot Coverage Overlay Map in Section 995.30.1, and Rooming House Overlay Map in Section 995.40.1 as shown on Diagram 5 attached to this By-law;
6. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.5.10 Exception Number 189 so that it reads:

Exception RT 189

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

- (A) On 104-110 Bartley Drive, if the requirements of Section 7 and Schedule 'A' of by-law [Clerks to supply by-law ##] are complied with, 84 **dwelling units** may be erected or constructed in compliance with (B) to (P) below;
- (B) Despite Regulation 10.60.20, **Apartment Buildings** and **Fourplexs** are permitted on blocks N, M, and L as shown on Diagram 4 of by-law [Clerks to supply by-law ##];
- (C) Despite Regulation 10.5.40.10(1), the height of a **building** is the distance between the highest point of the **building** and the elevation of the centre line of the street or private street adjacent to the **building** at the mid-point of the **front lot line**;
- (D) Despite Regulations 10.5.40.10 (2) and (3), penthouses, parapets, roof access structures, green roof elements, architectural features, and equipment used for the functional operation of the **building** may exceed the permitted maximum height a maximum by 1.5 metres;
- (E) Despite Regulation 10.60.40.10(1) the permitted maximum height is as shown on Diagram 4 of By-law [XXX-2019];
- (F) Despite Clause 10.60.40.70, the required minimum **building setbacks** are as shown on Diagram 4 of By-law [XXX-2019];

- (G) Despite Clause 10.5.40.60, the following may encroach into the required minimum **building setbacks** as shown on Diagram 4 of By-law [XXX-2019] as follows:
- (i) Awnings, balconies, front porches and steps, canopies, privacy screens, guards and railings maximum of 1.5 metres;
 - (ii) cornices, eaves, gutters and fire shutters maximum of 0.75 metres; and
 - (iii) wall mounted equipment including utility equipment, air conditioners and lighting fixtures, landscape features, stair enclosures, bay windows, sills, keystones, boxed-out architectural elements including windows, and window surrounds maximum of 0.6 metres;
- (H) Clause 10.60.40.80, with respect to required minimum separation distance does not apply;
- (I) Despite Regulation 10.60.40.1 (c), the minimum required width of a **dwelling unit** in a **townhouse** is 4.2 metres;
- (J) Despite Regulation 10.60 40.40 (1), the permitted maximum **gross floor area** is 13,900 square metres;
- (K) Clause 10.5.40.50, with respect to decks, platforms and amenities does not apply;
- (L) Despite Regulation 200.5.10.1(1), **parking spaces** on the **lot** must be provided and maintained in accordance with the following:
- (i) A minimum of 1 **parking space** for each **dwelling unit** in an **apartment building**; and
 - (ii) a minimum of 4 **parking spaces** for visitors;
- (M) Despite regulation 10.5.80.40(3), vehicle access to a **parking space** may be from a private road or private lane;
- (N) Clause 10.5.50.10, with respect to **landscaping** does not apply;
- (O) clause 220.5.10.1, with respect to **loading space** requirements, does not apply;
- (P) Notwithstanding any severance or division of the lands subject to this exception, the regulations of this exception continue to apply to the whole site as if no severance or division had occurred.

Prevailing By-laws and Prevailing Sections;

None Apply.

7. Section 37 Provisions

- (A) 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.

- (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 density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on October , 2019.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

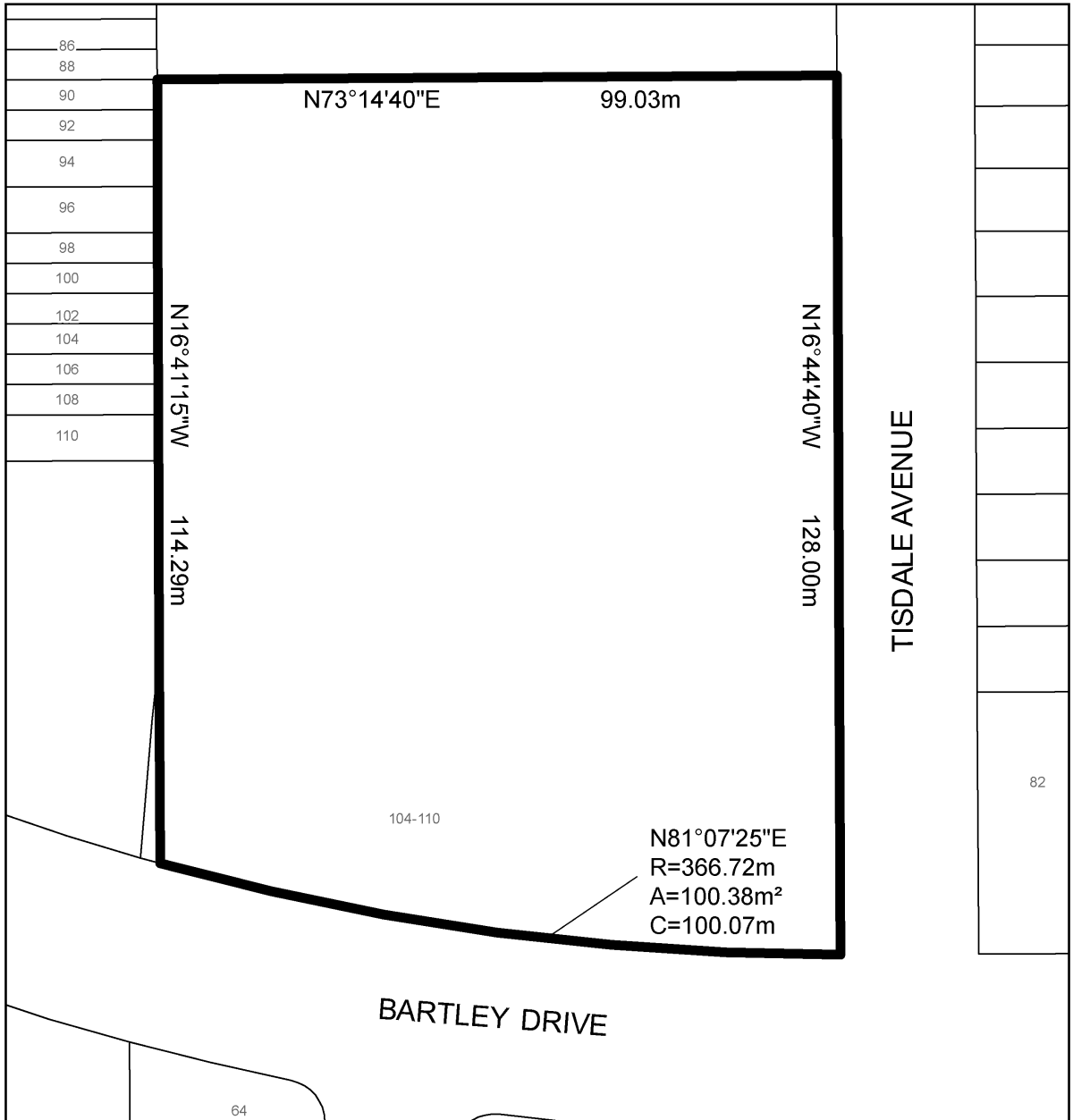
SCHEDULE A
Section 37 Provisions

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 on 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 follow:

- (i) Prior to the issuance of the first above-grade building permit, the Owner shall provide a contribution in the amount of \$925,000 to be used towards improvements at Bartley Park, Parma Park, and O'Connor Drive streetscape improvements to be identified through the O'Connor Streetscape Master Plan study.
- (ii) The financial contribution referred to in Recommendation (i) shall be indexed upwardly in accordance with Statistics Canada Non-Residential or Apartment-Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
- (iii) In the event the cash contribution referred to in Recommendation (i) 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 purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

The following additional services, facilities or matters pursuant to Section 37 of the Planning Act, as may be required by the Chief Planner are also to be secured in the Section 37 Agreement and/or Zoning By-laws as a legal convenience or otherwise to support development, to be secured on a phased basis, as appropriate:

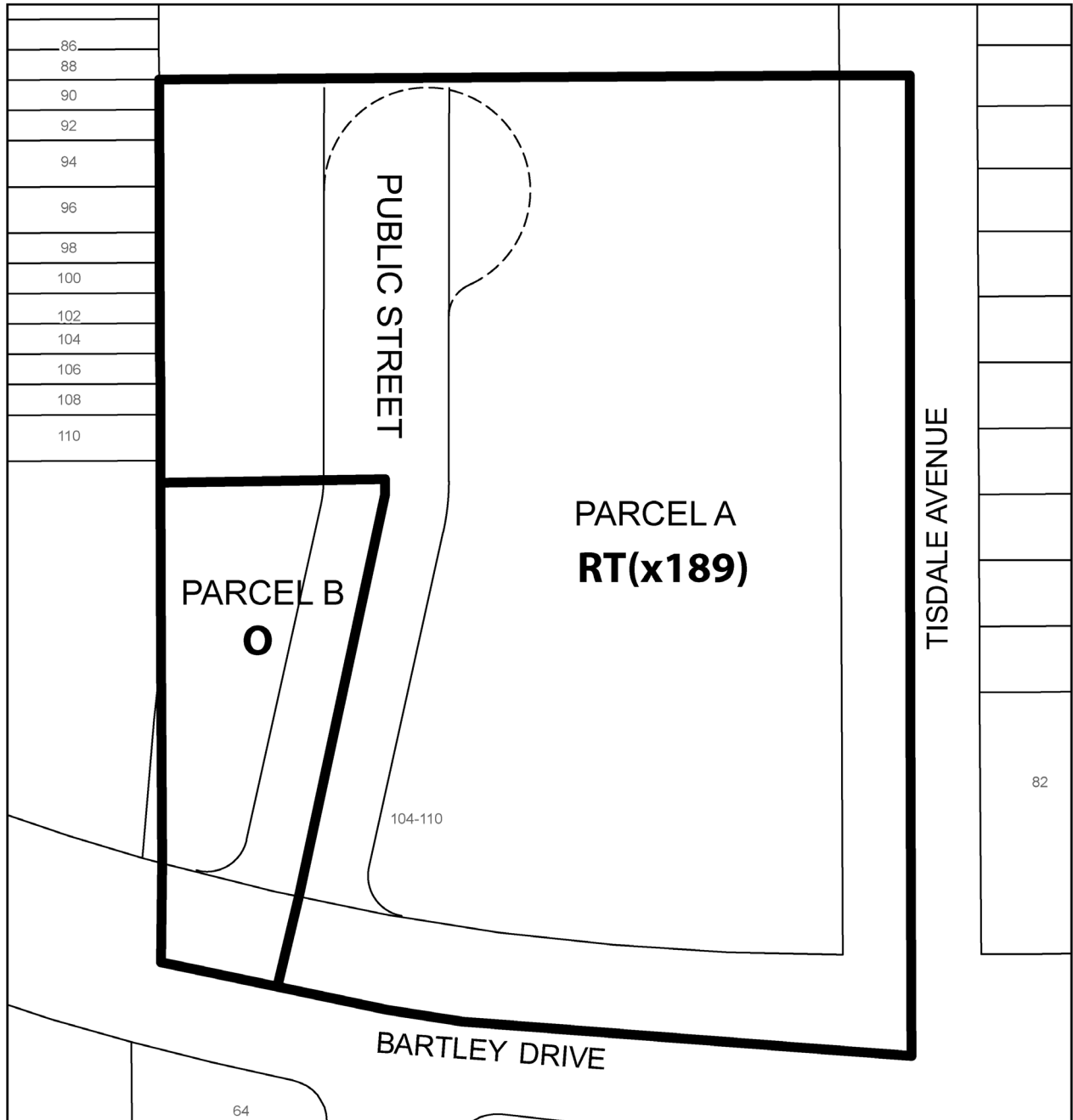
- 1. the Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council as its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Committee, and may be further amended by City Council from time to time.



TORONTO
Diagram 1

104 - 110 Bartley Drive

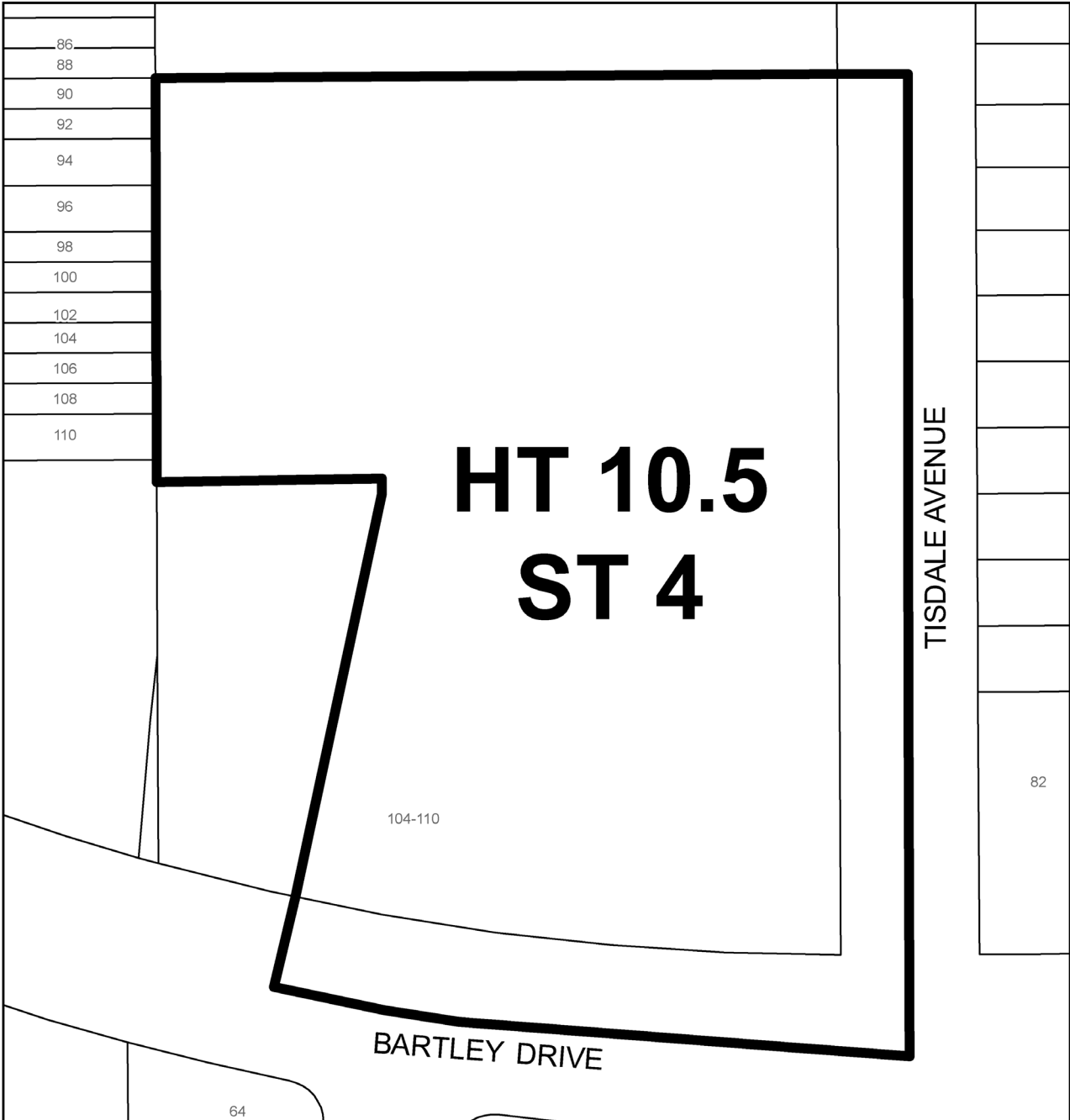
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 **TORONTO**
Diagram 2

104 -110 Bartley Drive

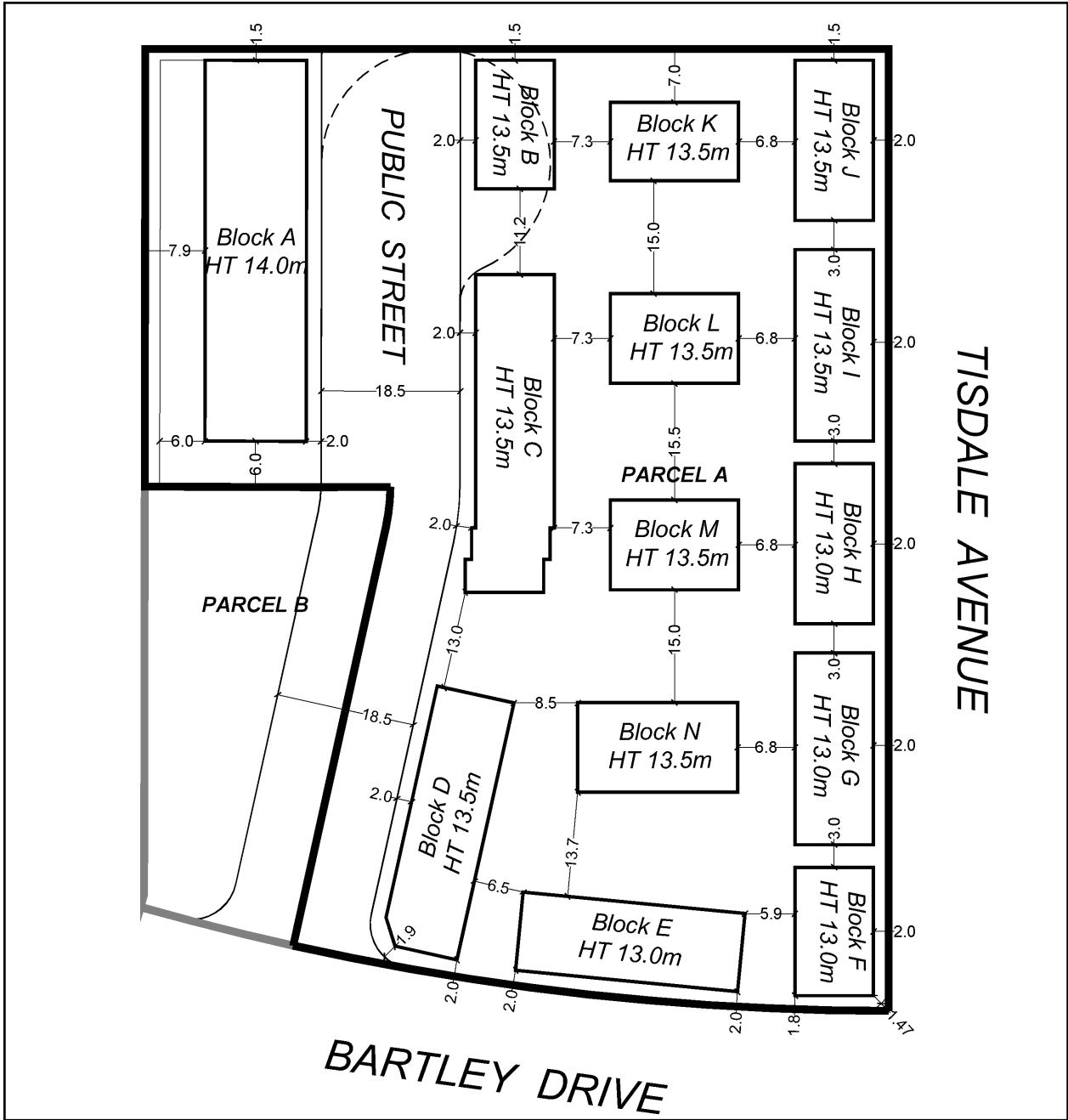
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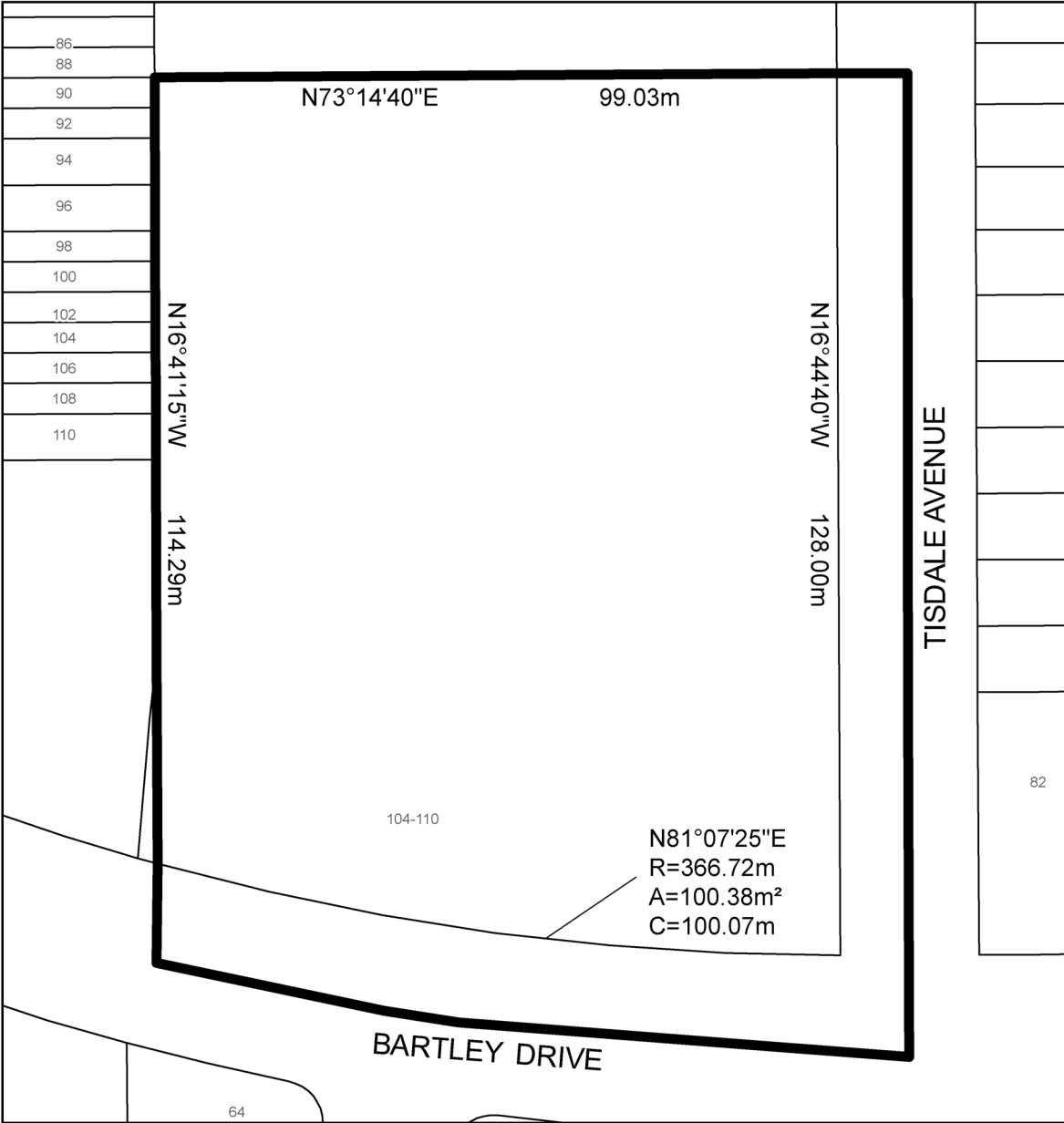


 **TORONTO**
Diagram 3

104 - 110 Bartley Drive

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 **TORONTO**
Diagram 5

104 - 110 Bartley Drive

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