

Authority: Humber York Community Council Report No.7, Clause No. 3, adopted as amended, by City of Toronto Council on July 24, 25 and 26, 2001
Enacted by Council: July 26, 2001

CITY OF TORONTO

BY-LAW No. 708-2001

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands known as Nos. 3 and 6 Windermere Avenue.

WHEREAS the Council of the City of Toronto has been requested to amend its zoning by-law, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990 c.P. 13, as amended, respecting the lands municipally known in the year 2000 as Nos. 3 and 6 Windermere Avenue; and

WHEREAS the Humber York Community Council conducted a public meeting on July 10, 2001 under Section 34 of the *Planning Act* regarding the Zoning Amendment; and

WHEREAS the Council of the City of Toronto, at its meeting held July 24, 25 and 26, 2001 determined to amend Zoning By-law No. 438-86, as amended, for the former City of Toronto;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the *Site* of the facilities, services and matters set out in Appendix 1 hereof, the provision of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements by the owner of the *Site*, pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *Site* is subject to the provisions of this By-law.
3. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, being "A By-law to regulate the use of land and the erection, use bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", shall continue to apply to the *Site*.
4. District Plans Nos. 47H-311 and 47H-312 contained in Appendix "A" of By-law No. 438-86, as amended, are respectively further amended by redesignating to R2 Z2.0 the lands outlined by heavy lines on Plan 1 attached to and forming part of this by-law and as respectively shown thereon as R2 Z2.0.
5. Height and Minimum Lot Frontage Plan Nos. 47H-311 and 47H-312 contained in Appendix "B" of the said By-law No. 438-86, as amended, are further amended by redesignating the lands shown outlined by heavy lines on Plan 2 attached to and forming part of this By-law to "H13.0" as shown on the said Plan 2.

6. Notwithstanding the provisions of Subsections 2, 3, 4, 5, 7, and 8 of Section 6(3) Part II of By-law No. 438-86, as amended, no part of any building or structure erected or used within the *Site* shall be located, above *grade*, other than within a *Building Envelope*.
7. The preceding Section hereof, does not apply to the type of structure listed in the column entitled "STRUCTURE" in the following chart, provided that the restrictions set out opposite the structure in the columns entitled "MAXIMUM PERMITTED PROJECTION" are complied with:

STRUCTURE	MAXIMUM PERMITTED PROJECTION
Eaves, cornices or ornament	Maximum of 1.0 metre projection
Fences and safety railings	No restriction on the extent of the projection provided the height of the structure does not exceed 2.0 metres
Canopy	Maximum of 15.0 metres projection on <i>blocks C and D</i> and a maximum of 1.5 metres projection on <i>blocks A, B and E</i>
Bay Window	The projection cannot exceed 1.0 metre from the wall to which it is attached
Ramps and/or stairs servicing an underground parking garage.	No restriction
Balcony	The projection cannot exceed 1.0 metre from the wall to which it is attached
Private community recreational facility built on <i>block C</i> and/or <i>block D</i> .	One private community recreational facility for the use and enjoyment of the residents of the <i>Site</i> built on <i>block C</i> and/or <i>block D</i> and providing <i>residential amenity space</i> for the <i>Site</i> , but only if its floor area above <i>grade</i> does not exceed 500 square metres and the height of the facility does not exceed 13.0 m.

8. Notwithstanding the provisions of Sections 6(3) Part I 1 of By-law No. 438-86, as amended, the maximum combined *non-residential gross floor area* and *residential gross floor area* of all buildings or structures erected within the *Site* shall not exceed 98,962 square metres and no person shall within any of *block A*, *block B*, *block C*, *block D*, and *block E* erect or use a building or structure:
- (a) where the combined *non-residential gross floor area* of all buildings or structures within such *block*, as listed in Column A below, exceeds the amount set out in the corresponding row for such *block* in Column B below; or

- (b) where the combined *residential gross floor area* of all buildings or structures within such *block*, as listed in Column A below, exceeds the amount set out in the corresponding row for such *block* in Column C below; and
- (c) provided that in no case shall the combined *non-residential gross floor area* and *residential gross floor area* of all buildings or structures within such *block*, as listed in Column A below, exceed the amount set out in the corresponding row for such *block* in Column D below;

COLUMN A	COLUMN B	COLUMN C	COLUMN D
BLOCK	MAXIMUM NON-RESIDENTIAL GROSS FLOOR AREA (sq.m)	MAXIMUM RESIDENTIAL GROSS FLOOR AREA (sq.m)	MAXIMUM NON-RESIDENTIAL AND RESIDENTIAL GROSS FLOOR AREA (sq.m)
<i>Block A</i>	0	4,948 square metres	4,948 square metres
<i>Block B</i>	0	10,056 square metres	10,056 square metres
<i>Block C</i>	0	28,020 square metres	28,020 square metres
<i>Block D</i>	0	33,930 square metres	33,930 square metres
<i>Block E</i>	1,000 square metres	23,148 square metres	24,148 square metres

9. Section 4(2)(a) of By-law No. 438-86, as amended, shall not prevent the erection or use of a building tower which exceeds the *height* limits imposed by that Section provided such building tower is,
- (a) located entirely within a *Building Tower Envelope*, and
- (b) no part of the building tower, including all building elements, exceeds the applicable height limit above *grade* stipulated, on the Plans showing the *Building Tower Envelopes*, for the *Building Tower Envelope* within which the building tower is located.
10. Notwithstanding the *height* permission granted by Section 4(2)(a) of By-law No. 438-86, as amended, no person shall erect or use a building or structure having a *height* greater than 11 metres on those parts of the Site shown, on the Plans showing the *Building Envelopes*, as having a maximum height limit of 11 metres.
11. Notwithstanding the provisions of Section 6(1)(f) of By-law No. 438-86, as amended, no person shall use a *lot* or erect or use a building or structure within any of *block A*, *block B*, *block C*, and *block D* for any purpose except for the following residential uses:

apartment building, day nursery, detached house, duplex, row house, rowplex, semi-detached duplex, semi-detached house, semi-detached triplex, triplex, one free standing recreational facility providing residential amenity space for the Site provided its floor area above grade does not exceed 500 square metres, and uses accessory thereto.

- 12.** Notwithstanding the provisions of Section 6(1)(f) of By-law No. 438-86, as amended, no person shall use a *lot* or erect or use a building or structure within *block E* for any purpose except for:
- (a) the following residential uses: *apartment building, day nursery, detached house, duplex, row house, rowplex, semi-detached duplex, semi-detached house, semi-detached triplex, triplex*, and uses *accessory* thereto, and
 - (b) the following non-residential uses: *clinic, branch of a bank or financial institution, dry-cleaner's distributing station, duplicating shop, personal grooming establishment, private art gallery, retail store*, and uses *accessory* thereto.
- 13.** No person shall,
- (a) erect or use a building within *block A*, unless such building has a *Build-to-Wall* and,
 - (i) the linear length of such *Build-to-Wall* occupies a minimum of 90% of the length of the said *Build-to-Zone* applicable to *block A*, and
 - (ii) such *Build-to-Wall* occupies at least 90% of the area of the plane created by the linear length of the said *Build-to-Zone* applicable to *block A*, and the vertical height of such *Build-to-Wall*, provided that such *Build-to-Wall* contains at least two storeys,
 - (b) erect or use a building within *block B*, unless such building has a *Build-to-Wall* and,
 - (i) the linear length of such *Build-to-Wall* occupies a minimum of 90% of the length of the said *Build-to-Zone* applicable to *block B*, and
 - (ii) such *Build-to-Wall* occupies at least 90% of the area of the plane created by the linear length of the said *Build-to-Zone* applicable to *block B*, and the vertical height of such *Build-to-Wall*, provided that such *Build-to-Wall* contains at least two storeys,
 - (c) erect or use a building within *block E*, unless such building has a *Build-to-Wall* and,
 - (i) the linear length of such *Build-to-Wall* occupies a minimum of 90% of the length of the said *Build-to-Zone* applicable to *block E*, and

- (ii) such *Build-to-Wall* occupies at least 90% of the area of the plane created by the linear length of the said *Build-to-Zone* applicable to *block E*, and the vertical height of such *Build-to-Wall*, provided that such *Build-to-Wall* contains at least two storeys.
- 14. Notwithstanding the provisions of Section 4(4)(b) of By-law No. 438-86, as amended, the *owner* or occupant of every building or structure to be erected or used on the *Site*, shall provide a minimum of,
 - (a) 1.25 *parking spaces* for each *dwelling unit*, for residents, in a below grade *parking garage* located within the *Site*, plus
 - (b) 0.15 *parking spaces* for each *dwelling unit*, for visitors, in a below grade *parking garage* located within the *Site*.
- 15. Notwithstanding the provisions of Sections 6(3) Part III 1 of By-law No. 438-86, as amended, the minimum combined *landscaped open space* provided on the *Site* shall be equal to 40% of the area of the *Site* and no person shall,
 - (a) erect or use a building or structure within *block A*, so that the *landscaped open space* provided on *block A* is less than 30% of the area of *block A*,
 - (b) erect or use a building or structure within *block B*, so that the *landscaped open space* provided on *block B* is less than 24% of the area of *block B*,
 - (c) erect or use a building or structure within *block C*, so that the *landscaped open space* provided on *block C* is less than 60% of the area of *block C*,
 - (d) erect or use a building or structure within *block D*, so that the *landscaped open space* provided on *block D* is less than 45% of the area of *block D*,
 - (e) erect or use a building or structure within *block E*, so that the *landscaped open space* provided on *block E* is less than 50% of the area of *block E*.
- 16. In addition to the foregoing the following permissive exceptions shall apply to the *Site*,
 - (a) the definition of *lot* as contained in the said By-law No. 438-86, as amended, shall not apply to prevent the erection and use of buildings within the *Site*, and
 - (b) Section 4(11) of the said By-law No. 438-86, as amended, shall not apply to prevent the erection and use of buildings within the *Site*.
- 17. For the purposes of this By-law, the following expressions shall have the following meaning:
 - (a) “*block A*”, “*block B*”, “*block C*”, “*block D*”, and “*block E*” mean those lands respectively identified as Block A, Block B, Block C, Block D as shown on Plan 3A and identified as Block E as shown on Plan 3B attached hereto,

- (b) “*Build-to-Wall*” means the portion of the vertical exterior face of a building which is located within a *Build-to-Zone*,
- (c) “*Build-to-Zone*” means the Build-to-Zone delineated on Plans 4A, 4B, and 4E attached hereto,
- (d) “*Building Envelope*” means a Building Envelope as delineated on Plans 4A to 4E attached hereto,
- (e) “*Building Tower Envelope*” means a Building Tower Envelope as delineated on Plans 4C, 4D, and 4E attached hereto,
- (f) “*City*” means the City of Toronto,
- (g) “*landscaped open space*” has same meaning as each such word or expression as defined in the said By-law No. 438-86, as amended, except that it may be located on the surface of an underground *parking garage*,
- (h) “*owner*” of the *Site* means the owner of the fee simple of the *Site*,
- (i) “*grade*” for the purposes of this By-law including the calculation of the *height* of buildings or structures within the *Site*, the calculation of the height of building towers or the height of the one free standing recreational facility within the *Site*, and for the purpose of determination of *grade* for *Building Envelopes*, shall mean an elevation of 79.5 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (1978 Southern Ontario Adjustment),
- (j) “*Site*” means those lands delineated as the Site on Plan 3A and Plan 3B attached hereto, and
- (k) each other word or expression, which is italicized in this by-law, shall have the same meaning as each such word or expression as defined in the said By-law No. 438-86, as amended.

ENACTED AND PASSED this 26th day of July, A.D. 2001.

CASE OOTES,
Deputy Mayor

JEFFREY A. ABRAMS,
Acting City Clerk

(Corporate Seal)

APPENDIX 1

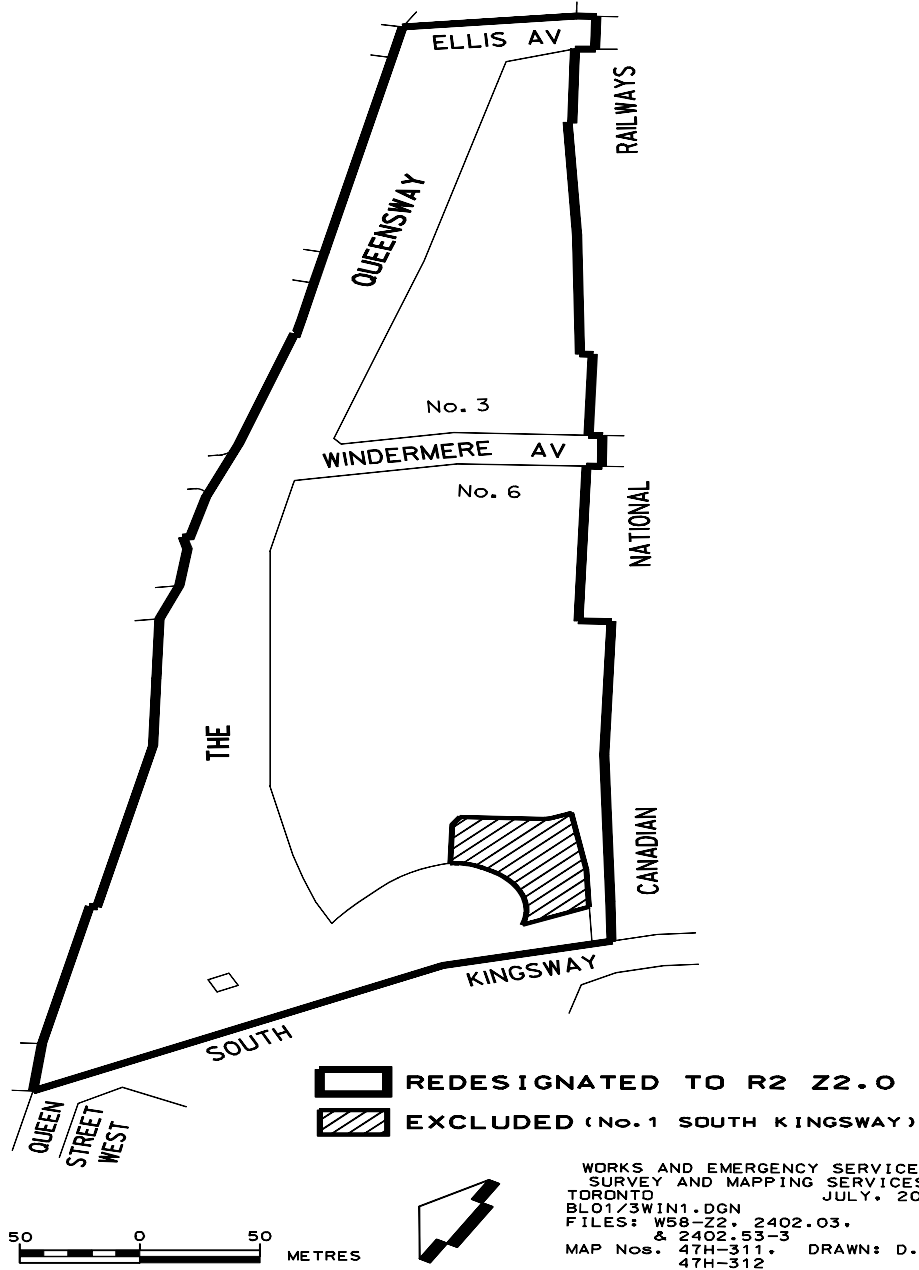
SECTION 37 PROVISIONS

The facilities, services and matters set out herein are the facilities, services and matters required pursuant to Section 37(1) of the *Planning Act*, the provision of which to the *City* by the *owner* of the *Site* shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*:

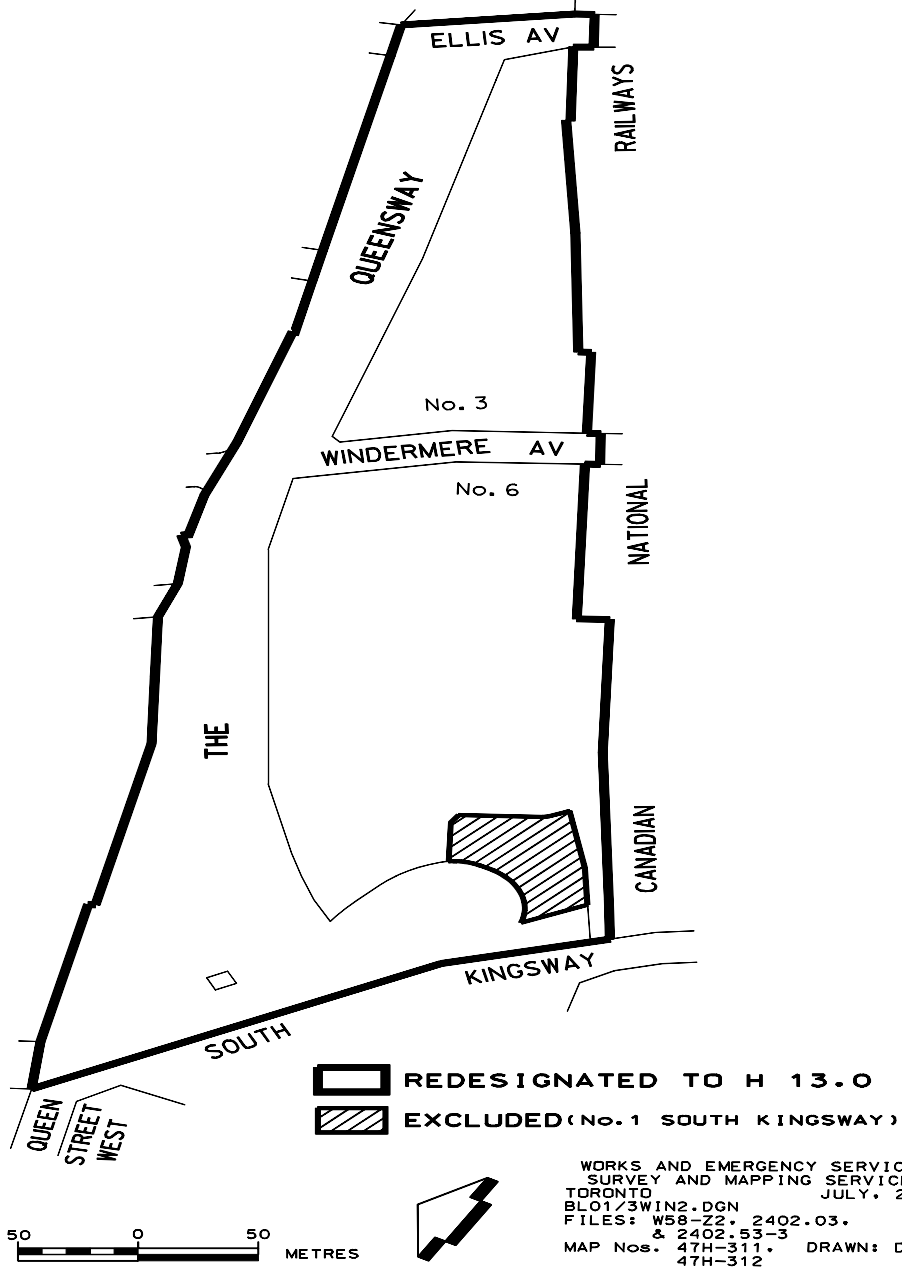
1. The Owner is to ensure that the phased development of the Site is to the satisfaction of the City, including requirements for the matters to be secured with respect to each phase such as, site integration, sharing of common driveways, loading and underground garage access, interim use of balance of Site, construction staging and temporary landscaping;
2. The owner is to satisfy all environmental matters such as soil and groundwater management, the environmental remediation of the entire Site and lands to be conveyed to the City, provision of a Record of Site Condition, remediation of any contamination from Site into adjacent streets, historical review of Site and building audits, demolition and dust control, air quality, noise and vibration, the monitoring of de-watering and a commitment to mitigate as and where required by the City;
3. The owner is to agree to development control matters such as, urban design and site plan guidelines, site plan conditions, pedestrian and bicycle connections, heritage elements;
4. The owner shall provide all matters needed to service the Site, including the retention of a satisfactory consulting engineer, the construction and conveyance of street widenings for The Queensway and Windermere Avenue and all improvements thereto, improvements to the Ellis Avenue pumping station, the construction of a watermain extension, water and sewage systems, sidewalk improvements, private landscaping, utilities, inspection fees and security, park levy, the satisfaction of TTC requirements including Queensway TTC Streetcar line, TTC landscaping and fencing improvements and a contribution to the TTC of \$120,000.00;
5. The owner shall convey or provide other security acceptable to the City to secure road widenings and the public use of internal privately owned streets, parkettes and open space, and a watercourse easement over the Grenadier Pond drainage element;
6. The owner shall ensure the proposed underground parking garage is constructed to appropriate standards to project the public accessing the Site;
7. The owner shall provide a daycare with sufficient facilities for at least 52 children within the first phase, to be delivered at the owner's expense on a turnkey basis (including daycare equipment and a start up grant of \$100,000.00) by way of a 99 year term lease to a daycare operator acceptable to the City;
8. The owner shall comply with the City's 1% public art policy;

9. The owner shall provide a cash payment to the City Parks and Recreation Services in lieu of providing parkland - based on the large site standards;
10. The owner shall make payments of: \$75,000.00 for local school playground enhancements; \$25,000.00 for Swansea Town Hall capital cost improvements; \$50,000.00 for the proposed Humber Boathouse; and \$35,000.00 for preservation of Joy Oil Station or as otherwise directed by the City;
11. The owner shall provide 30% low end of market housing;
12. The owner shall comply with CNR requirements including warning clause, crash protection berm, chain link fence as well as noise and vibration attenuation measures;
13. The owner shall agree to TRCA approval of the Stormwater Management Plan (flood proofing);
14. The owner shall agree to such other matters as are specified by the reports of Urban Development Services recommending the passage of the by-law or as specified by the Council as a condition of the passage of the by-law, and
15. The Section 37 Agreement shall secure the provision of the said facilities, services and matters, and be in a form satisfactory to the City with conditions providing for: indexed escalation of financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement.

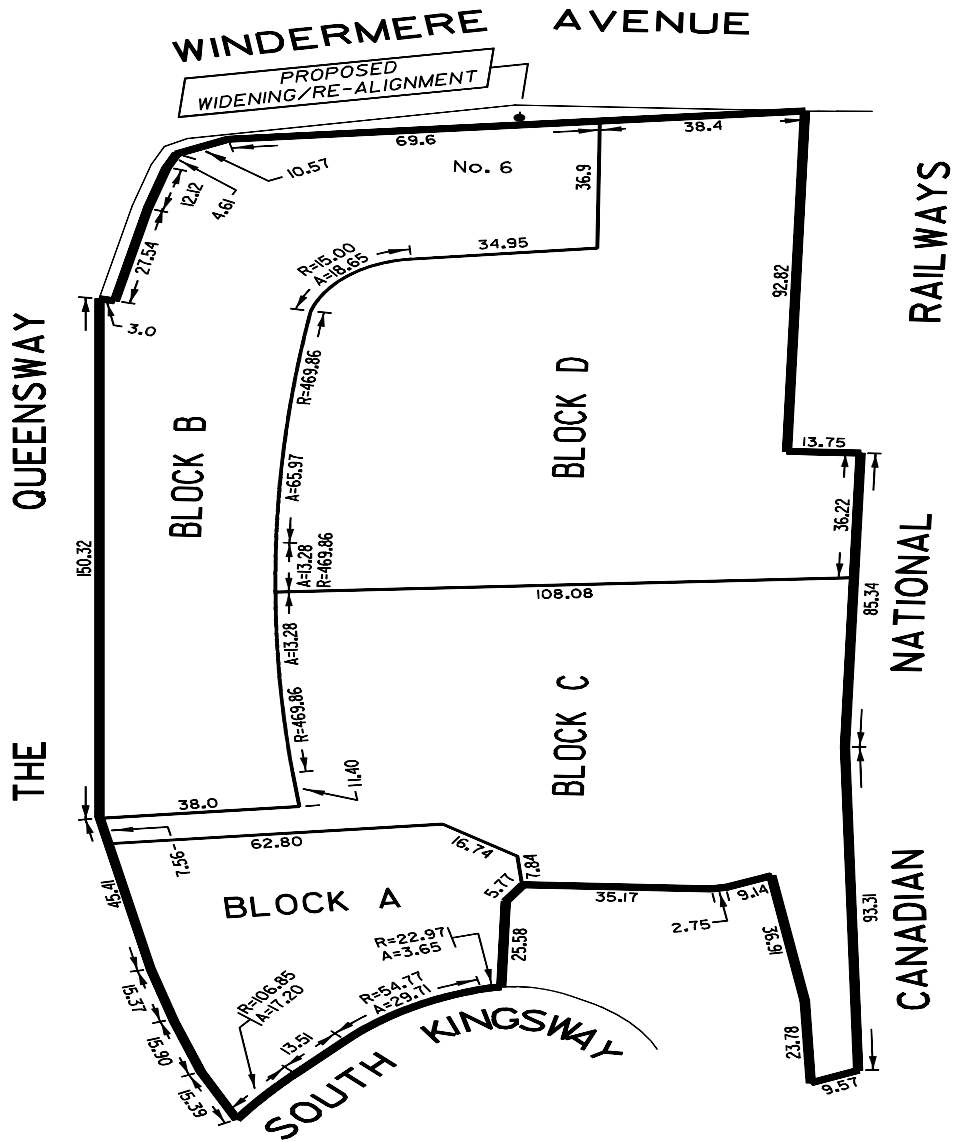
PLAN 1



PLAN 2

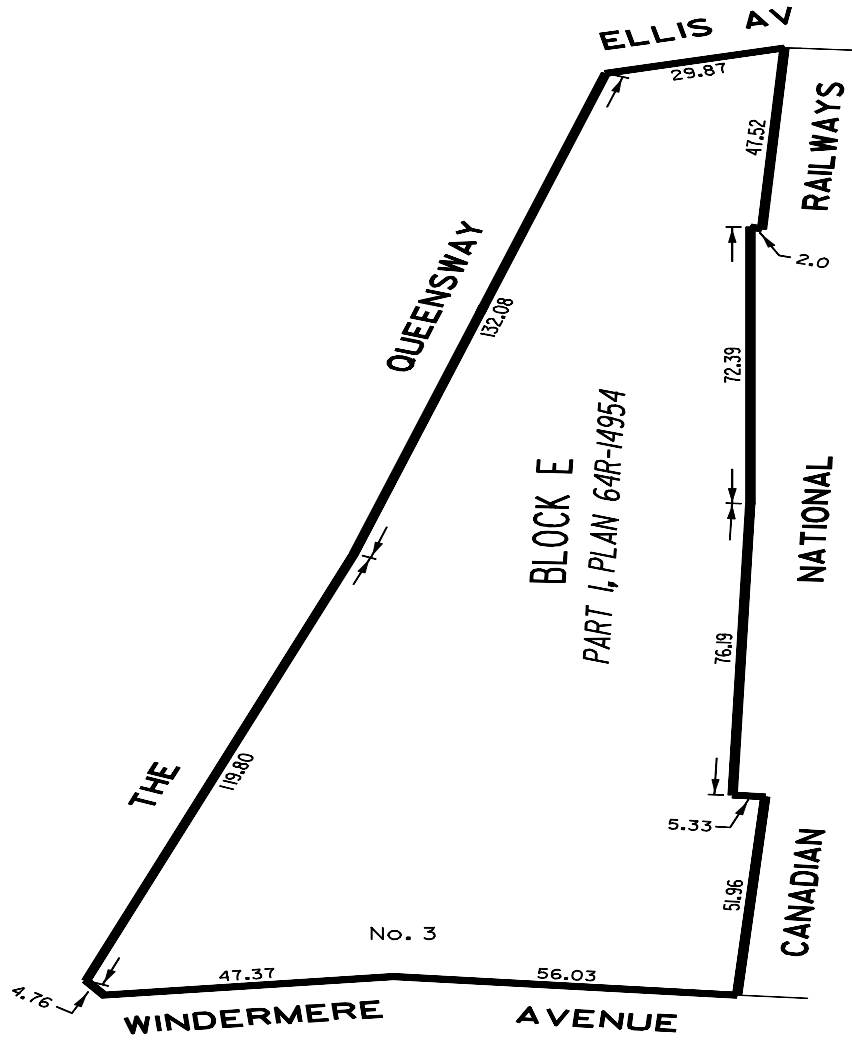


PLAN 3A



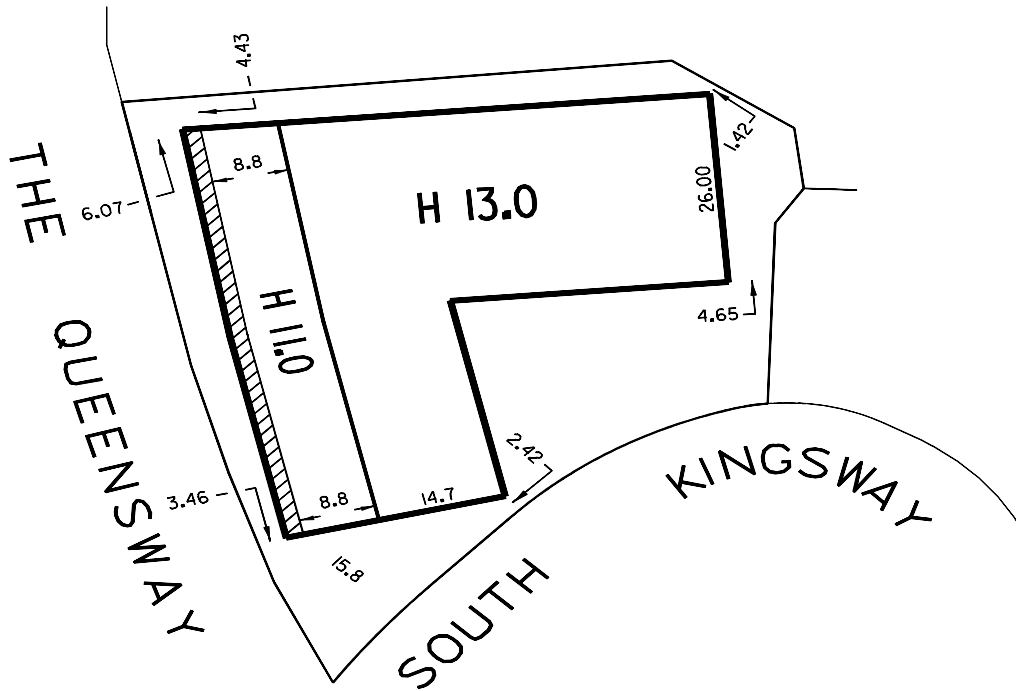
WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO JULY, 2001
 BLO1/3WIND3A.DGN
 FILES: W58-2, 2402.03
 MAP No. 47H-311 DRAWN: D.R.

PLAN 3B




WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO JULY, 2001
BLOT13WIND3B.DGN
FILES: W58-22, 2402.03
MAP No. 47H-312 DRAWN: D.R.

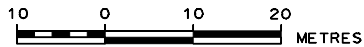
PLAN 4A
(BLOCK A)



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE

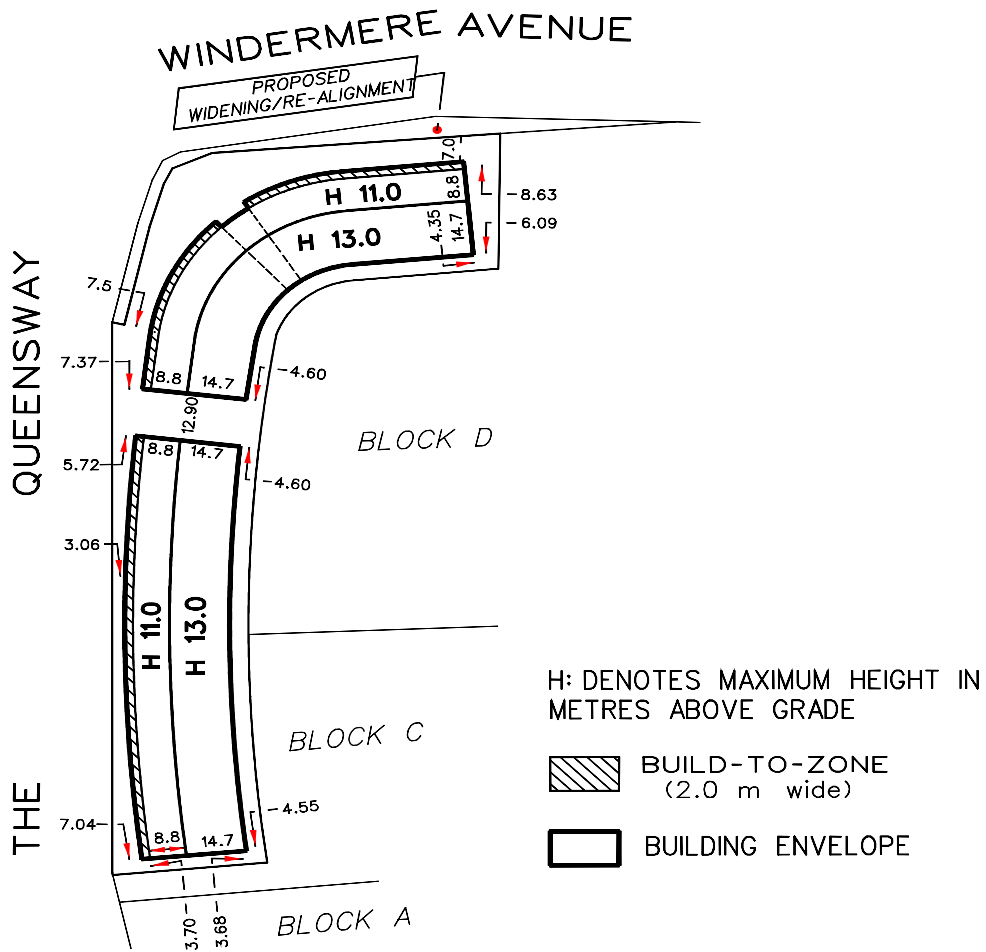
 BUILD-TO-ZONE (2.0 m wide)

 BUILDING ENVELOPE



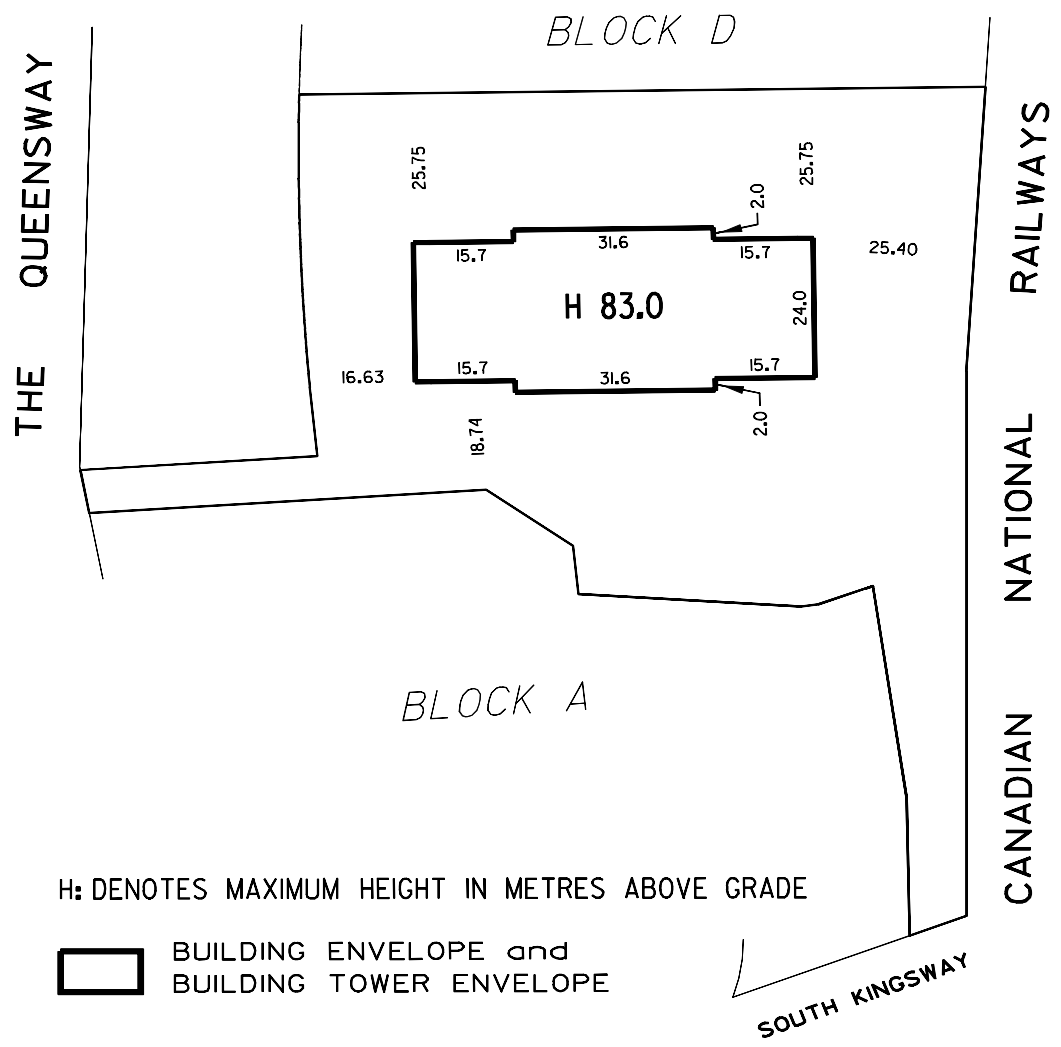
WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO JULY, 2001
BLO1/3WIND4A.DGN
FILES: W58-22, 2402.03
MAP No. 47H-311 DRAWN: D.R.

PLAN 4B
 (BLOCK B)



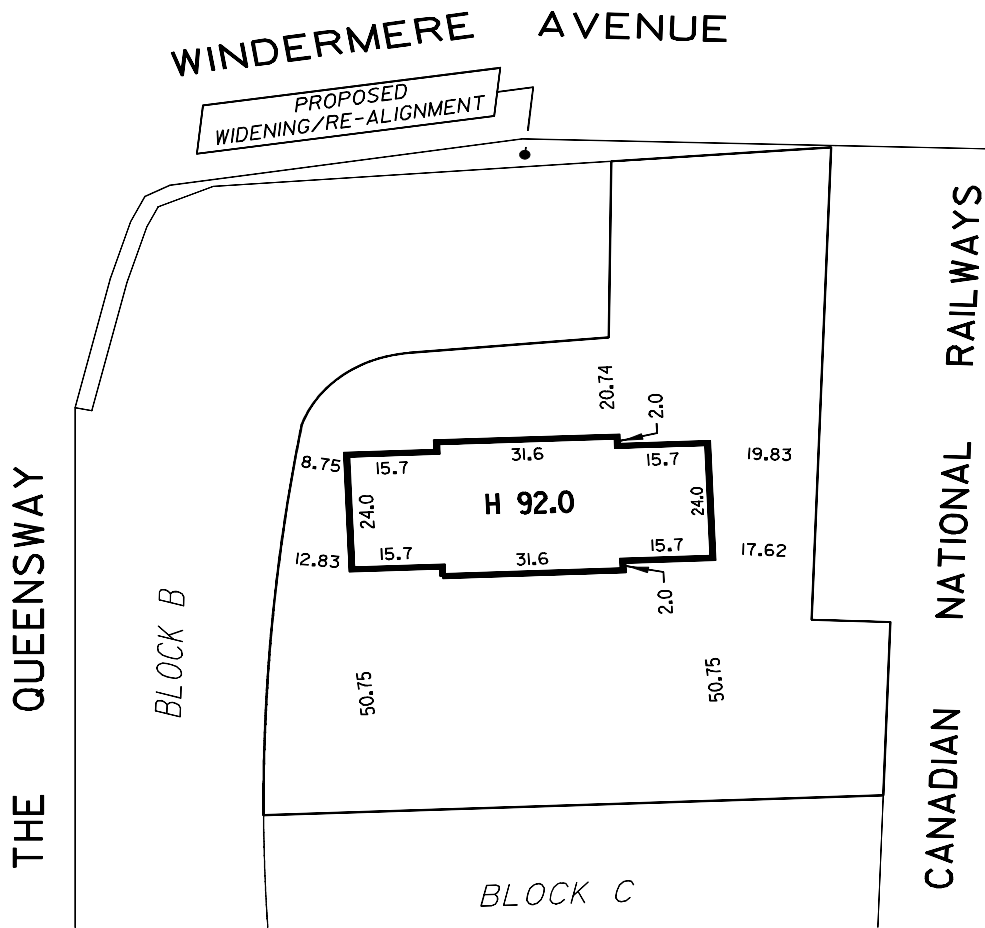
WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO JULY, 2001
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 FILES: W58-Z2, 2402.03
 MAP No. 47H-311 DRAWN: D.R.

PLAN 4C
(BLOCK C)



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO JULY, 2001
BL01/3WIND4C.DGN
FILES: W58-Z2, 2402.03
MAP No. 47H-311 DRAWN: D.R.

PLAN 4D
(BLOCK D)



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE

 BUILDING ENVELOPE and
BUILDING TOWER ENVELOPE



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO JULY, 2001
BL01/3WIND4D.DGN
FILES: W58-Z2, 2402.03
MAP No. 47H-311 DRAWN: D.R.

PLAN 4E
 (BLOCK E)

