

Authority: Toronto and East York Community Council Item 30.7, adopted as amended,  
by City of Toronto Council on January 26 and 27, 2010

Enacted by Council: February 23, 2010

## CITY OF TORONTO

### BY-LAW No. 216-2010

#### **To amend the former Borough of East York Zoning By-law No. 6752, as amended, with respect to the lands municipally known as 2 O'Connor Drive and 2, 6 and 12 Fernwood Gardens.**

WHEREAS authority is given to Council by 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*;

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

1. The lands subject to this By-law are those lands outlined by heavy black lines as shown on Map 1 attached to this By-law.
2. Zoning By-law No. 6752, as amended, as it applies to the lands identified as Part B on Map 1 of this By-law, is further amended by deleting Section 12.1.29, and changing the zoning category of such lands from Residential R1B to Conservation G.
3. Zoning By-law No. 6752, as amended, as it applies to the lands identified as Part A on Map 1 of this By-law, is further amended by deleting Section 12.1.29, and changing the zoning category of such lands from Residential R1C to Residential R1C – Site Specific (R1C.8) Zone.
4. Former East York Zoning By-law No. 6752, as amended, is hereby further amended by adding a new Section 7.4.4.8 immediately after Section 7.4.4.7 of the by-law as follows:

"7.4.4.8            2 O'Connor Drive and 2, 6 and 12 Fernwood Gardens (R1C.8 Zone)

7.4.4.8.1        Area Restricted

The provisions of this section shall only apply to those lands being Lots 1, 2, 3, 4, 5, 6, 7 and 8, Registered Plan 3245, and Part of Lots 14 and 15, Concession 2, F.T.B, City of Toronto (Formerly Borough of East York) (Geographic Township of York).

7.4.4.8.2        General Provisions

On those lands referred to in Section 7.4.4.8.1 of this By-law, no person shall use, occupy, Erect, alter, cause to be used, occupied, Erected or altered, any Building, Structure, or land or part thereof, except in accordance with the following provisions:

- (1) Developable Area
- (a) For the purposes of this By-law, the Lot shall be defined as the area identified as Part A on Map 1 attached to this By-law.
  - (b) For the purposes of this By-law, the development permissions and requirements contained in Sections 2 and 3 below shall only apply to the lands identified as Part A on Map 1 attached to this By-law.
  - (c) For the purposes of this By-law, no Building or Structure, or portions thereof, shall be permitted on the lands identified as Part B on Map 1 attached to this By-law.
  - (d) For the purposes of this By-law, a Fence shall be permitted on the lands identified as Part B on Map 1 attached to this By-law.
- (2) Permitted Uses, Buildings and Structures
- (a) Private Hospital and Private Residential Care and Assisted Living Facility.
  - (b) Buildings, Structures, and uses Accessory to the foregoing.
- (3) Development Requirements
- (a) Minimum Lot Area 8,800 m<sup>2</sup>
  - (b) Maximum Gross Floor Area 7,620 m<sup>2</sup>
  - (c) Maximum Floor Space Index 0.88 times the Minimum Lot Area
  - (d) Maximum Number of rooms in the Private Hospital and Private Residential Care and Assisted Living Facility 65 rooms
  - (e) Maximum Number of Accessory Dwelling Units 4 units located wholly within the Building Envelope as shown on Map 2 of this By-law
  - (f) Maximum Height 16 metres
  - (g) Maximum Number of Storeys 4 Storeys
  - (h) Minimum setback of all Buildings and Structures or portions thereof to Geotechnical Stable Top-of-Bank As shown on Map 2 of this By-law

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|-----|-------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (i) | Siting of all Buildings, Structures or portions thereof                                                                             | Wholly within the Building Envelope as shown on Map 2 of this By-law, except that the provisions of Section 5.6 shall continue to apply to any projections or encroachments into Yards |
| (j) | Maximum Gross Floor Area of Chapel                                                                                                  | 200 m <sup>2</sup> and shall be wholly located within the Building Envelope as shown on Map 2 of this By-law                                                                           |
| (k) | Minimum Number of Parking Spaces                                                                                                    | 31 Parking Spaces                                                                                                                                                                      |
| (l) | Minimum Number of Loading Spaces                                                                                                    | 1 Loading Space                                                                                                                                                                        |
| (m) | Minimum Landscaped Open Space                                                                                                       | 30% of the Minimum Lot Area                                                                                                                                                            |
| (n) | For the purposes of this By-law, the Front Lot Line shall be the southern 108.3 metres of the Lot that front onto Fernwood Gardens. |                                                                                                                                                                                        |

(4) Section 37 Requirements

The owner of the lands shown as Part A on Map 1 is required to enter into one or more agreements pursuant to Section 37 of the *Planning Act* satisfactory to the Chief Planner and Executive Director, City Planning Division, and the City Solicitor and such agreement(s) shall be registered against title to the lands identified as Part A on Map 1 to secure the following facilities, services or matters:

- (a) A Tenant Relocation and Assistance Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division, that requires the owner to provide for each tenant of 2, 6 and 12 Fernwood Gardens assistance that includes at least a moving allowance and other financial assistance on a sliding scale geared to the length of occupancy of each tenant.

- (b) The following matters are also to be secured in the Section 37 agreement:
- (i) Provide, in conjunction with the Site Plan Application, a response to the Toronto and Region Conservation Authority's comments contained within the September 30, 2009 memo, as they relate to natural heritage;
  - (ii) Provide a cost estimate, in conjunction with the Site Plan Application, for review and acceptance for the proposed planting within the ravine and natural feature protected area, as well as a cost estimate for the preparation and implementation of the ravine stewardship plan;
  - (iii) Provide a financial security, in conjunction with the Site Plan Application, for implementing the planting plan within the ravine and natural feature protected area;
  - (iv) Architectural plans at 1:100, elevations at 1:50, and landscaping plans at 1:100 to be secured to the satisfaction of the Chief Planner, and the owner will be required to, in conjunction with the Site Plan Application, submit such scaled drawings in conformity with this requirement;
  - (v) Provide final development plans and a landscape plan that enhances the heritage character and views of the front façade of the heritage building and exterior lighting plan for the heritage building, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in conjunction with the Site Plan Application;
  - (vi) The owner shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials as shown on the plans and elevations referenced in 4(b)(iv) above, to the satisfaction of the Chief Planner and Executive Director;
  - (vii) Prior to receiving Site Plan Approval, the owner shall provide, to the satisfaction of the Executive Director, Technical Services, a revised Stormwater Management Report;

- (viii) Provide a detailed Conservation Plan, in conjunction with the Site Plan Application, which includes: as-found record of the existing house including photographs keyed to plans and elevations of all visible exteriors and interiors; detailed descriptions for the proposed heritage conservation work; description of the reversibility of alterations; schedule of long term conservation and maintenance requirements; and cost estimates for conservation work of the heritage property located at 2 O'Connor Drive, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
  - (ix) The owner shall be encouraged to build in conformity with the Green Development Standard Checklist received by the Chief Planner and Executive Director, City Planning Division, on December 30, 2008; and
  - (x) The owner shall pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report as accepted by the Executive Director, Technical Services, should it be determined that improvements to such infrastructure are required to support the development.
- (c) The Owner of the lands enters into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act*, to secure the facilities, services and matters required in Section 4(a) and (b) herein and registers such agreement against title to the Lot as a first charge, all to the satisfaction of the City Solicitor.
- (5) Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
  - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

- (6) Notwithstanding any existing or future severance or division of the lands subject to this exception, the regulations of the exception shall continue to apply to the whole of the lands.
- (7) Definitions:
- (a) For the purpose of this By-law, the following definitions shall apply:
- (i) "Private Hospital and Private Residential Care and Assisted Living Facility" shall mean the use of a Building for living accommodation for persons who require ongoing support services, medical care, or specialized care, in semi-independent or dependent living arrangements, with common lounges, activity areas, and food preparation facilities, sized to be shared by residents in the facility.
  - (ii) "Grade" shall be defined as +124.75 metres Canadian Geodetic Datum.
  - (iii) "Height" shall be measured from Grade to the top of the parapet, and shall exclude elements for the functional operation of the building which may include elevator over-runs, mechanical penthouse, ventilation equipment, renewable energy systems and roof canopy, which shall not exceed an additional 5 metres above the maximum Height of the building.
  - (iv) "Geotechnical Stable Top-of-Bank" shall be defined as the long-term stable limit of the sloped lands on the Lot as established by a qualified soils engineer and accepted by the Toronto and Regional Conservation Authority, and as shown on Map 1 of this By-law.
  - (v) "Accessory Dwelling Units" shall be defined as a room or group of rooms in the building, with or without in-suite culinary facilities, that are ancillary to the Private Hospital and Private Residential Care and Assisted Living Facility.

- (vi) "Chapel" shall be defined as the portion of the building, located on the ground floor and mezzanine level above, which is dedicated to religious worship and shall be accessory to the Private Hospital and Private Residential Care and Assisted Living Facility.
- (b) With exception of the words or expressions referred to in section 7(a) above, each word or expression which is capitalized shall have the same meaning as the said word or expression has for the purposes of By-law No. 6752, as amended."

ENACTED AND PASSED this 23rd day of February, A.D. 2010.

SANDRA BUSSIN,  
Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)





