

Authority: Toronto and East York Community Council Item 32.1,  
adopted as amended, by City of Toronto Council on March 31 and April 1, 2010  
Enacted by Council: April 1, 2010

## **CITY OF TORONTO**

### **BY-LAW No. 357-2010**

#### **To amend the Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands municipally known as 707, 709, 711, 715 and 717 Dovercourt Road.**

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, with respect to lands municipally known in the year 2010 as 707, 709, 711, 715 and 717 Dovercourt Road; and

WHEREAS the Council of the City of Toronto has provided adequate information to the public and has conducted at least one public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment; and

WHEREAS the Council of the City of Toronto, at its meeting on March 31 and April 1, 2010, determined to amend Zoning By-law No. 438-86;

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 Section 6 hereof, the provisions 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 with 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 Section 6 hereof, the *site* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirement.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the *City* pursuant to Section 37 of the *Planning Act*, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. None of the provisions of Sections 4(2)(a), 4(4)(b) and (d), 4(12), 4(13)(a) and (c), 4(16), 6(1)(f)(a), 6(3) Part I, 6(3) Part II, and 6(3) Part III of By-law No. 438-86, shall apply to prevent the erection and use of an *apartment building* on the *site*, provided that:
  - (1) a maximum of 75 *dwelling units* are permitted on the *site*;
  - (2) a maximum of 4238 square metres of *residential gross floor area* is permitted on the *site*;

- (3) no portion of any building or structure located above *grade* within the *site* is located otherwise than wholly within the areas delineated by heavy lines as shown on Map 2 attached to and forming part of this By-law, with the following exceptions;
- (i) entrance canopies, awnings, eaves, architectural features, light fixtures, underground garage ramps and associated ramp structures, door swings, fences, terrace and balcony railings, dividers and screens, landscape features, guard-rails, retaining walls, patios, decks, surface driveways, walkways and wheel chair ramps;
- (4) no portion of any building or structure located above *grade* within the site shall exceed the *height* limits specified by the numbers following the symbol "H" as shown on Map 2, attached to and forming part of this By-law, with the following exceptions:
- (i) architectural features, lighting fixtures, fences, terrace and balcony railings, dividers and screens, landscape features, and guard-rails, provided they exceed the permitted height by no more than 3.0 metres;
  - (ii) window washing equipment and elements of a green roof;
  - (iii) heating, cooling or ventilating equipment provided they exceed the permitted height by no more than 3.5 metres and are not located outside of the hatched area on Map 2;
  - (iv) stairs, stair enclosures, elevator overrun, provided they exceed the permitted height by no more than 3.5 metres and are not located outside of the hatched area on Map 2;
  - (v) parapets provided they exceed the permitted height by no more than 0.5 metre; and
  - (vi) the projections permitted by Section 4(3)(i).
- (5) *parking spaces* will be provided and maintained on the *site*, in accordance with the following minimum standards:
- (i) 0.3 *parking space* for each bachelor *dwelling unit*;
  - (ii) 0.7 *parking space* for each one bedroom *dwelling unit*;
  - (iii) 1.0 *parking space* for each two bedroom *dwelling unit*;
  - (iv) 1.2 *parking spaces* for each three bedroom *dwelling unit*;
  - (v) 0.12 *parking space* for each *dwelling unit* for the exclusive use of visitors to the building; and

- (vi) 1 *car-share parking space*.
  - (6) notwithstanding Section (5), a maximum of 70 *parking spaces* will be provided;
  - (7) a maximum of 4 *parking spaces* which are obstructed on one side in accordance with Section 4(17)(e) of By-law No. 438-86, as amended, shall have minimum dimensions of 5.6 metres in length and 2.6 metres in width;
  - (8) one *loading space – type G* shall be provided and maintained on the *site*;
  - (9) a minimum of 49 square metres of *residential amenity space* located indoors and a minimum of 122 square metres of *residential amenity space* located outdoors shall be provided on the *site*; and
  - (10) a minimum of 46 *resident bicycle parking spaces* shall be provided on the *site* for occupants of the *dwelling units* and a minimum of 11 *visitor bicycle parking spaces* shall be provided on the *site*.
5. The density and height of the development permitted by this By-law is subject to the owner of the lands to which this by-law applies entering into, and registering against the title to such lands, one or more agreements with the *City*, pursuant to Section 37 of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for no credit for development charges, indemnity, insurance, termination and unwinding, and registration and priority of agreement, to ensure the following facilities, services and matters:
- (1) As part of the Site Plan Approval process, the *owner* shall provide 1:50 scale drawings for the first and second storey portions of the east and west elevations with building materials labelled and the drawings having a sufficient level of detail to illustrate how the building will be perceived by pedestrians. The *owner* shall incorporate, in the construction of the apartment building, said exterior materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
  - (2) Private garbage pickup and access to the loading facilities shall be restricted to the hours between 7:30 a.m. and 8:00 p.m. on weekdays and 8:30 a.m. to 8:00 p.m. on Saturdays.
  - (3) The private mews located at the south end of the Site shall have restricted vehicular access available only to garbage trucks and loading vehicles during the hours set out in Section (2).
  - (4) The *owner* shall install retractable bollards along the Dovercourt Road and laneway entrances of the mews to prohibit private vehicles from using the mews, and the bollards shall remain elevated at all times except for when garbage or loading vehicles are visiting the *site*.

- (5) The *owner* shall install two convex mirrors to be mounted on the two buildings adjacent to the laneway systems' one-way exit on to Dovercourt Road so that motorists are able to see any oncoming pedestrians around the blind corners and shall pay all costs related thereto, including any application and registration fees to obtain the necessary easement agreements from adjacent properties.
  - (6) In the alternative, if installation of the convex mirrors is not, in the *owner's* opinion, feasible, the *owner* shall make an equivalent cash contribution to the *City*, prior to occupancy or Condominium Registration, in an amount that is satisfactory to the Executive Director of Transportation Services, acting reasonably, which amount the *City* can use to pay for public improvements in the immediate neighbourhood of the *site* to be determined in the sole discretion of the Chief Planner in consultation with the Local Ward Councillor.
  - (7) The *owner* shall pay to keep the laneway system at the rear of the *site*, between Delaware Avenue and Dovercourt Road, clear of snow up to the south property line of the 707-717 Dovercourt Road lands, including the laneway extending off Delaware Avenue and Dovercourt Road.
  - (8) Notwithstanding the foregoing, the *owner* and the *City* may modify or amend the said agreement, from time to time and upon the consent of the *City* and the *owner*, without further amendment to those provisions of the zoning by-law which identify the facilities, services and matters to be secured.
6. For the purpose of this By-law, the following expressions shall have the following meaning:
- (i) "*By-law No. 438-86*" means By-law No. 438-86, as amended, of the former City of Toronto being, "A By-law to regulate the use of land and the erection, use, bulk, height, spacing and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings"; and
  - (ii) "*car-share motor vehicle*" means a motor vehicle available for short term rental, including an option for hourly rental, for the use of at least the occupants of a building erected within the *site*;
  - (iii) "*car-share parking space*" means a *parking space* used exclusively for the parking of a *car-share motor vehicle*. A dedicated *car-share parking space* shall meet the By-law No. 438-86 definition for a *parking space*;
  - (iv) "*City*" means the City of Toronto;
  - (v) "*grade*" means 111.27 metres Canadian Geodetic Vertical Datum;
  - (vi) "*owner*" means the registered owner of the *site* or any part thereof;
  - (vii) "*site*" refers to the lands delineated by heavy lines on Map 1, attached to and forming part of this By-law; and

- (viii) 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 *By-law No. 438-86*.
7. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *site*.
8. Within the *site*, 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:
- (1) 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
  - (2) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this 1st day of April, A.D. 2010.

SANDRA BUSSIN,  
Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)



