

Authority: Motion MM50.4, moved by Councillor Rae, seconded by Councillor Carroll, as adopted by City of Toronto Council on June 8 and 9, 2010 and Toronto and East York Community Council Item 28.6, as adopted by City of Toronto Council on October 26 and 27, 2009

Enacted by Council: June 9, 2010

CITY OF TORONTO

BY-LAW No. 615-2010

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 32 Davenport Road and 12 to 22 McMurich Street.

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*; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provisions of such facilities, services or matters as are set 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 or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (hereinafter referred to the "City"); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

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

1. None of the provisions of Section 2 with respect to *lot, grade, height* and Sections 4(2)(a), 4(5)(b), 6(1)(a), 6(3) Part I 1, 6(3) Part II 3,4,5, 6(3) Part III 1(b), 8(1)(a) and 8(3) Part I 3(a), 8(3) Part II 1(a)(ii) of By-law No. 438-86, 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 land and the erection and use of certain buildings and structures in various areas of the City of Toronto", shall

apply to prevent the erection and use of an *apartment building* with underground parking on the *lot* delineated by heavy lines on the attached Map 1, provided that:

- (a) the *lot* upon which the proposed building and structure is erected or used comprises at least the lands shown outlined by heavy lines on the attached Map 1;
- (b) the total *residential gross floor area* erected or used on the *lot* shall not exceed 17,965 square metres;
- (c) the heights of any building or structure erected on the *lot* shall not exceed the heights in metres shown on the attached Map 2, including mechanical and roof top elements such as decorative elements, except for:
 - (i) parapets extending to a maximum vertical projection of 0.6 metres above the height limits shown on Map 2; and
 - (ii) window washing equipment and aircraft warning lights;
- (d) despite the provisions of paragraph (c) above, for the portion of the building shown with a height of 95.7 metres, no additional height is permitted for parapets;
- (e) no portion of the building above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, subject to the following:
 - (i) cornices, lighting fixtures, window washing equipment, vents, awnings, canopies, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, wheelchair ramps, underground garage ramps and their associated structures, underground garage stair enclosures, fences, retaining walls, landscape and public art features and safety or wind protection, all of which may extend beyond the heavy lines shown on Map 2; and
 - (ii) balconies and balcony piers, which can project to a maximum of 2.5 metres beyond the heavy lines shown on Map 2;
- (f) no less than 165 below grade *parking spaces* are provided on the *lot* which 154 shall be exclusively for use by residents of the building erected on the *lot* and 11 *parking spaces* shall be designated for visitors of the building erected on the *lot*;
- (g) the windows of a dwelling unit will be set back at a minimum of 3.5 metres from a lot line that is not a *street* line;
- (h) the depth of the building shall be 74.98 metres; and
- (i) the *lot* has a minimum *landscaped open space* of 4% of the area of the *lot*.

2. In addition to the permitted uses identified in Section 1, a *sales presentation centre* shall be permitted on the *lot*, and none of the other provisions of this By-law shall apply to such use.
3. The density and height of development permitted by this By-law is permitted subject to compliance with the conditions set out herein and provided that the *owner*, at its expense and in accordance with and subject to the agreement referred to in this By-law provides the following facilities, services and matters:
 - (a) \$550,000.00 to be paid prior to the issuance of the first above-grade building permit, indexed to the non-residential Construction Price Index for Toronto for the period from the coming into force of the By-law to the date of payment, towards the Greater Yorkville Residents' Association (GYRA) Yorkville Greening Initiative;
 - (b) \$15,000.00 to be paid prior to the issuance of the first above-grade building permit, indexed to the non-residential Construction Price Index for Toronto for the period from the coming into force of the By-law to the date of payment, towards the Yorkville Lending Library's Centenary Project;
 - (c) \$335,000.00 to be paid prior to the issuance of the first above-grade building permit, indexed to the non-residential Construction Price Index for Toronto for the period from the coming into force of the By-law to the date of payment, towards capital improvements at Budd Sugarman Park and Ramsden Park.
4. The density and height of development permitted by this By-law is permitted provided the owner enters into one or more agreements satisfactory to the City of Toronto, pursuant to Section 37 of the *Planning Act*, to secure the facilities, services and matters required to be provided by section 3 and such agreement or agreements provide to the satisfaction of the City Solicitor for indexed escalation of all financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of the agreement.
5. The following matters may also be secured in the Section 37 agreement as a legal convenience to support the development:
 - (a) prior to site plan approval, the owner shall submit plans for interpretive panels or other interpretive materials to communicate the history of the property including the importance of Raymond Moriyama; the importance of this studio and practice as an incubator for other notable architects; and his body of work designed in this studio, including specific examples and a reference to the nearby Toronto Reference Library. The research, design and location of the interpretive materials shall be to the satisfaction of the Manager of Heritage Preservation Services;
 - (b) the provision of high quality materials for the podium to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

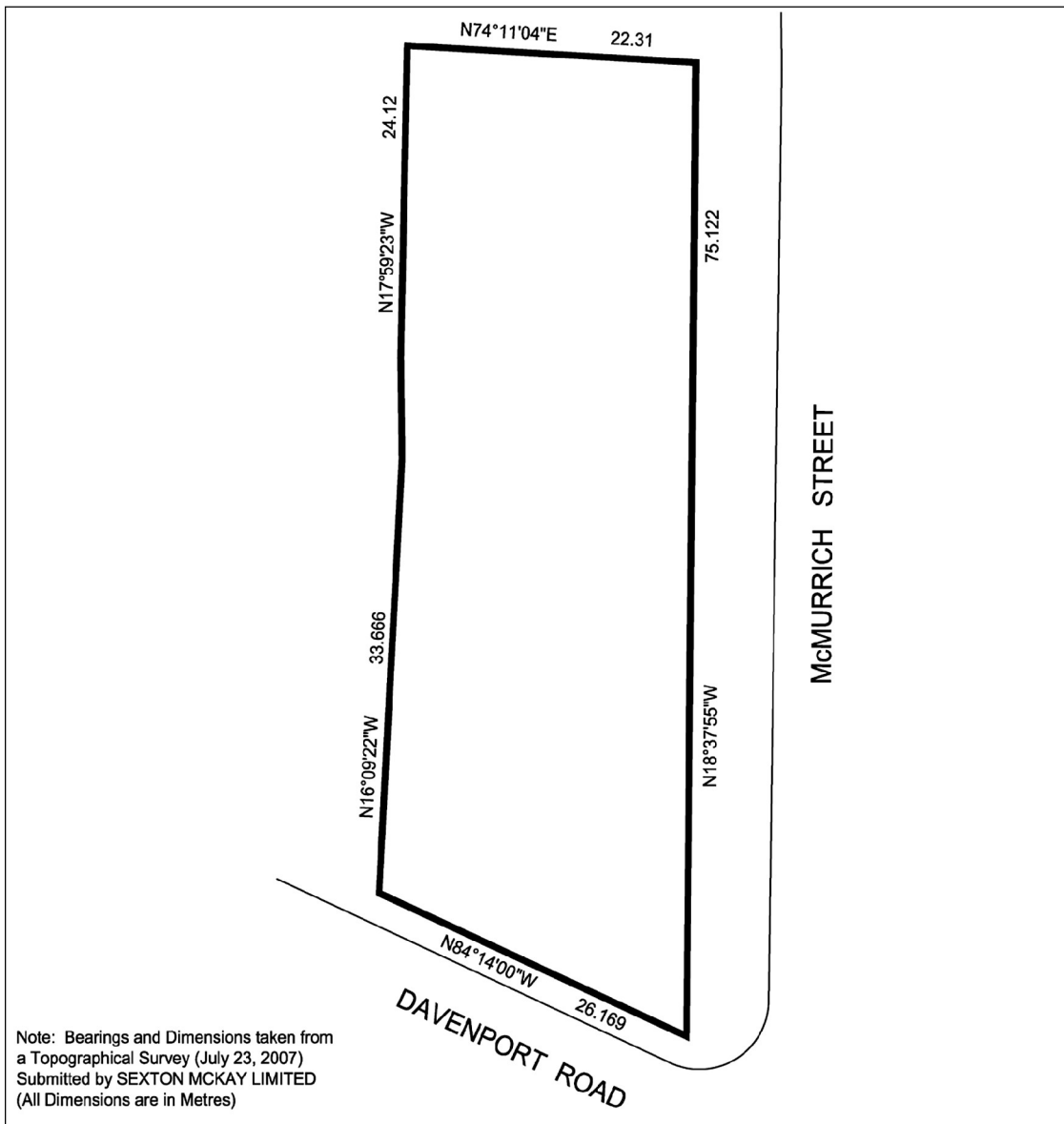
- (c) the owner shall submit plans at 1:50 scale elevations for the podium detailing the high quality materials is to be provided as part of an application for Site Plan Approval.
6. Notwithstanding the foregoing, the *owner* and the *City* may modify or amend the said agreement(s), from time to time and upon the consent of the *City* and the *owner*, without further amendment to those provisions of this zoning by-law which identify the facilities, services and matters to be secured.
7. For the purposes of this By-law:
- (a) "*grade*" means 116.52 metres Canadian Geodetic Datum (CGD);
 - (b) "*height*" means the vertical distance between *grade* and the highest point of the roof, building or structure shown on Map 2;
 - (c) "*sales presentation centre*" shall mean an office provided for the marketing or selling of *dwelling units* located or to be located on the *lot*; and
 - (d) Each word or expression which is italicized in this By-law shall have the same meaning as each word or expression as defined in the aforesaid By-law No. 438-86, as amended, unless otherwise defined in this By-law.
8. Notwithstanding any severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division had occurred.

ENACTED AND PASSED this 9th day of June, A.D. 2010.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)



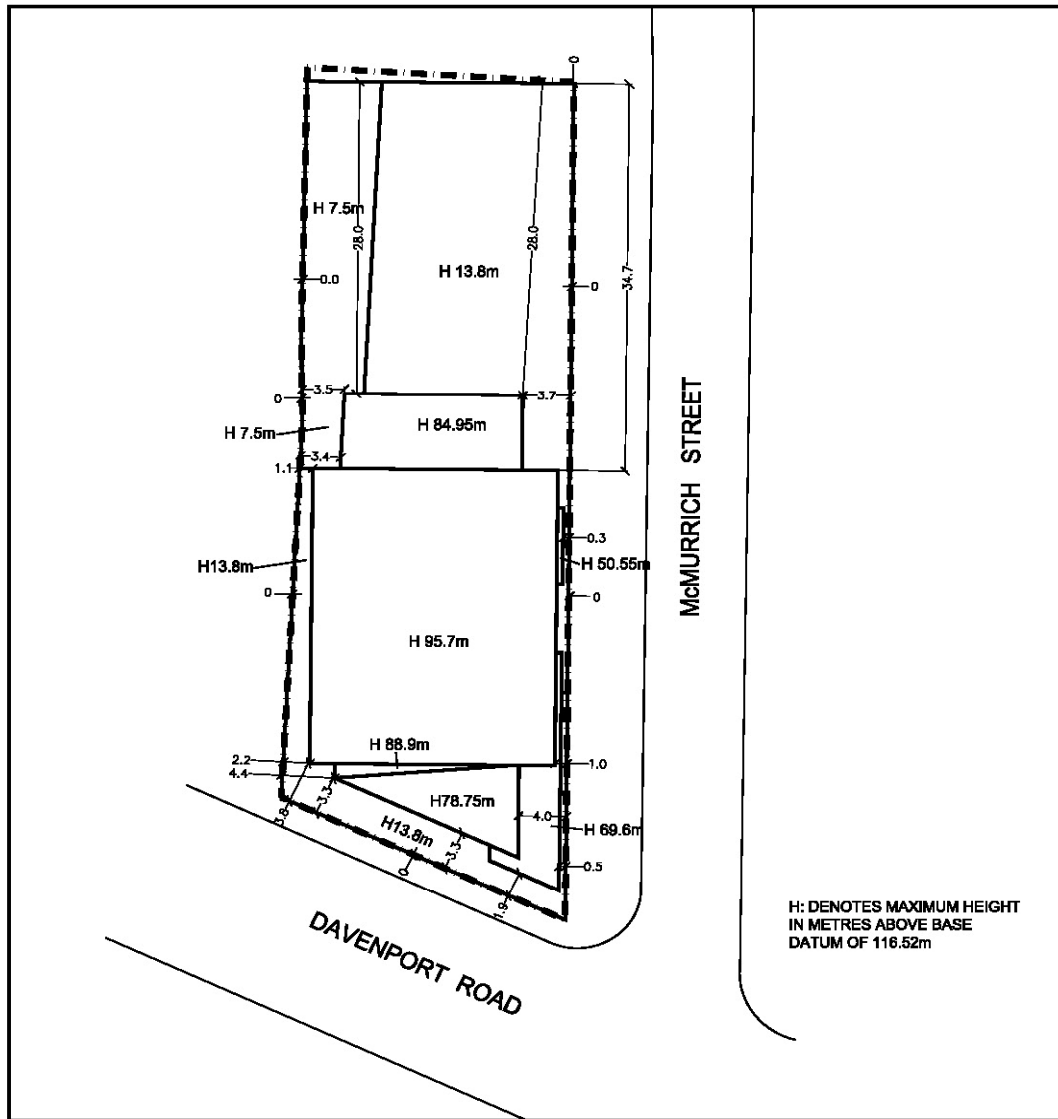
Toronto City Planning
Map 1

32 Davenport Road & 12-22 McMurrich Street

File # 08_151714



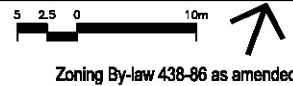
Not to Scale
09/10/2009



Map 2

32 Davenport Road & 12-22 McMurrich Street

File # O8_151714



Zoning By-law 438-86 as amended