

Authority: North York Community Council Item 34.83, as adopted by City of Toronto Council on August 25, 26, 27 and 28, 2014

CITY OF TORONTO

BY-LAW No. 1059-2014

To amend former City of York Zoning By-law No. 1-83, as amended, with respect to lands municipally known as 396-404 Hopewell Avenue.

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 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; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in residential density permitted beyond that otherwise permitted on the aforesaid lands by Zoning By-law No. 1-83 of the former City of York is permitted in return for the provision of the facilities, services and matters set out in this By-law which will be 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. By-law No. 1-83, of the former City of York is further amended as follows:

16 (451) LANDS – 396-404 HOPEWELL AVENUE

Map 25e –"6 (91) Lands – Number 396-404 Hopewell Avenue

By changing the area shown within the former City of York on District Map Number 25e, which area is more particularly described in the attached Schedule "1", from a PE District to an RM1 District and by changing District Map 25e accordingly."

2. That Section 16 of Zoning By-law No. 1-83, as amended, is further amended by adding the following as a new subsection 16 (451):

"(451) Lands – 396-404 Hopewell Avenue

- (a) Notwithstanding the requirements of Sections 10.3(a), the following chart applies:

Dwelling Type/Use	Minimum Lot Frontage	Maximum Height of Building	Minimum/Maximum Yard Setbacks	Maximum Number of Dwelling Units	Maximum Floor Space Index
Stacked Townhouse	90 metres	14 metres with not more than 3 storeys	See Schedule RM1 16(451)	81	1.94

- (b) Notwithstanding the requirements of Sections 10.3 (b) the minimum permitted setbacks shall be as shown on the attached Schedule RM1 16(451);
- (c) Notwithstanding the requirements of Section 10.3(e), residential amenity space shall not be provided;
- (d) Notwithstanding the requirements of Section 3.2.1, parking requirements shall be as follows:
- (i) 81 *parking spaces* for the use of residents;
- (ii) 16 *parking spaces* for the use of visitors;
- (e) Notwithstanding the requirements of Section 3.2.1, parking spaces shall have a minimum width of 2.4 metres and minimum length of 5.6 metres and driveways shall have a minimum width of 3.5 metres for one-way operation and a minimum of 6.0 metres for two-way operation."
3. Within the lands shown on Schedule 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 water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
4. All other provisions of By-law No. 1-83 shall continue to apply except in the case where provisions of this Subsection 16(451) are in conflict, in which case the provisions of this Subsection 16(451) shall prevail.

5. Section 37 Provisions

- (a) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in residential density of the development is permitted beyond that otherwise permitted by Zoning By-law No. 1-83 of the former City of York on the lands shown in Schedule A in return for the voluntary provision by the owner, at the owner's expense, of the facilities, services and matters set out in Appendix "1" hereof and which shall be 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 Appendix "1" 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 height and density pursuant to this By-law unless all provisions of Appendix "1" are satisfied.

Enacted and passed on August 28, 2014.

Frances Nunziata,
Speaker

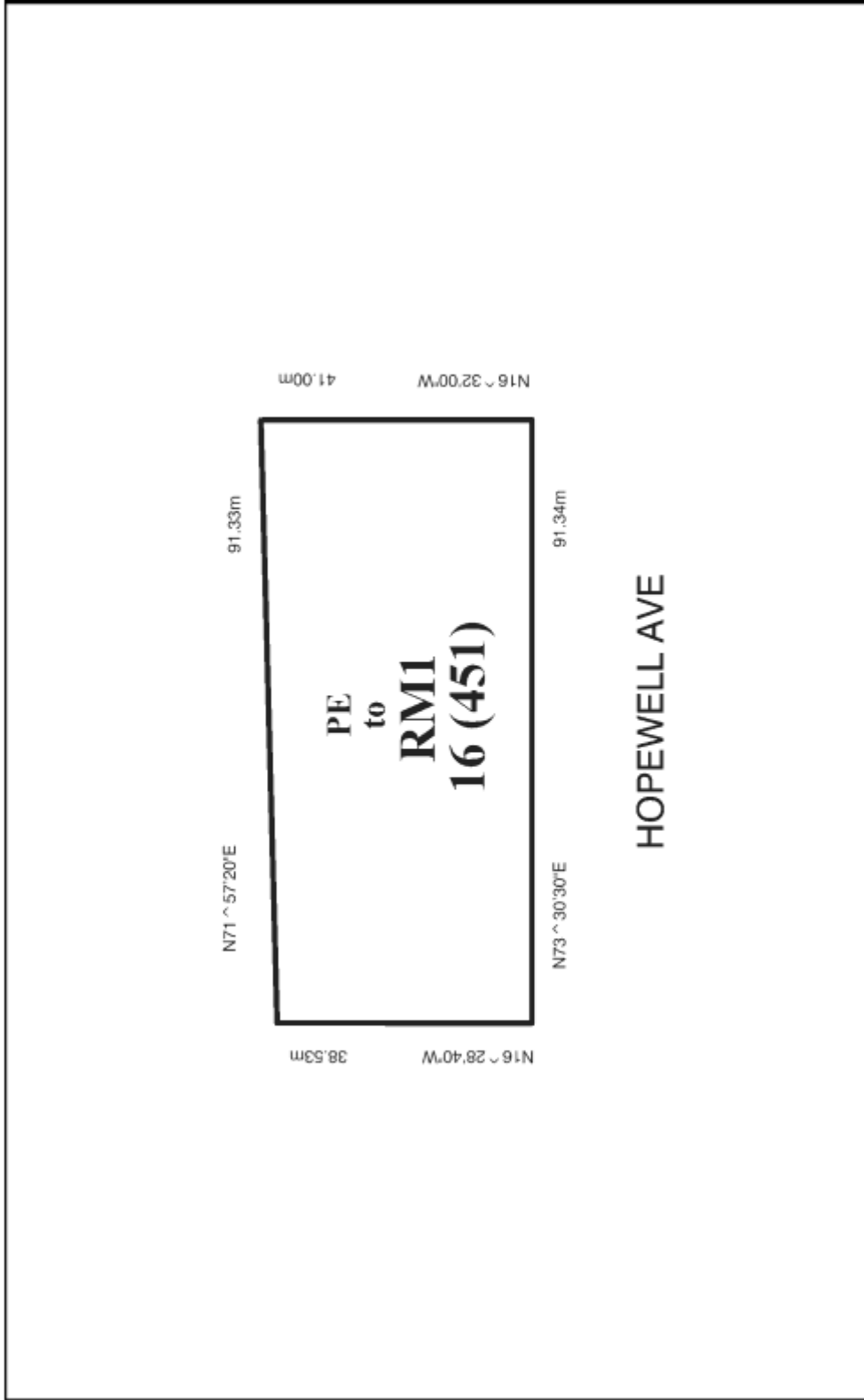
Ulli S. Watkiss,
City Clerk

(Seal of the City)

APPENDIX "1"**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 residential density of the proposed development on the *lot* and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the *owner* agrees as follows:

1. the *owner* shall provide the following to support the development of the *lot*:
 - a. provide and maintain the construction of a non-exclusive public pedestrian walkway to the City on terms and conditions satisfactory to the City Solicitor in a location generally described as a north/south access over the central portion of the site, with details of the design to be determined in the context of site plan approval for the development and such walkway lands to be maintained by the *owner* at its sole cost;
 - b. parkland improvements by the owner to the Beltline park, adjacent to the development site, as illustrated in the concept plan submitted by the applicant as part of the development application, as revised to reflect details and comments from City Planning and Parks, Forestry and Recreation, and such improvements to be financially secured to the satisfaction of the City; and
 - c. additional improvements to the York Beltline Trail for extension of the trail east from the rear of 396-404 Hopewell Avenue to Marlee Avenue, to the satisfaction of the Chief Planner and the General Manager, Parks, Forestry and Recreation, and such improvements to be financially secured to the satisfaction of the City.



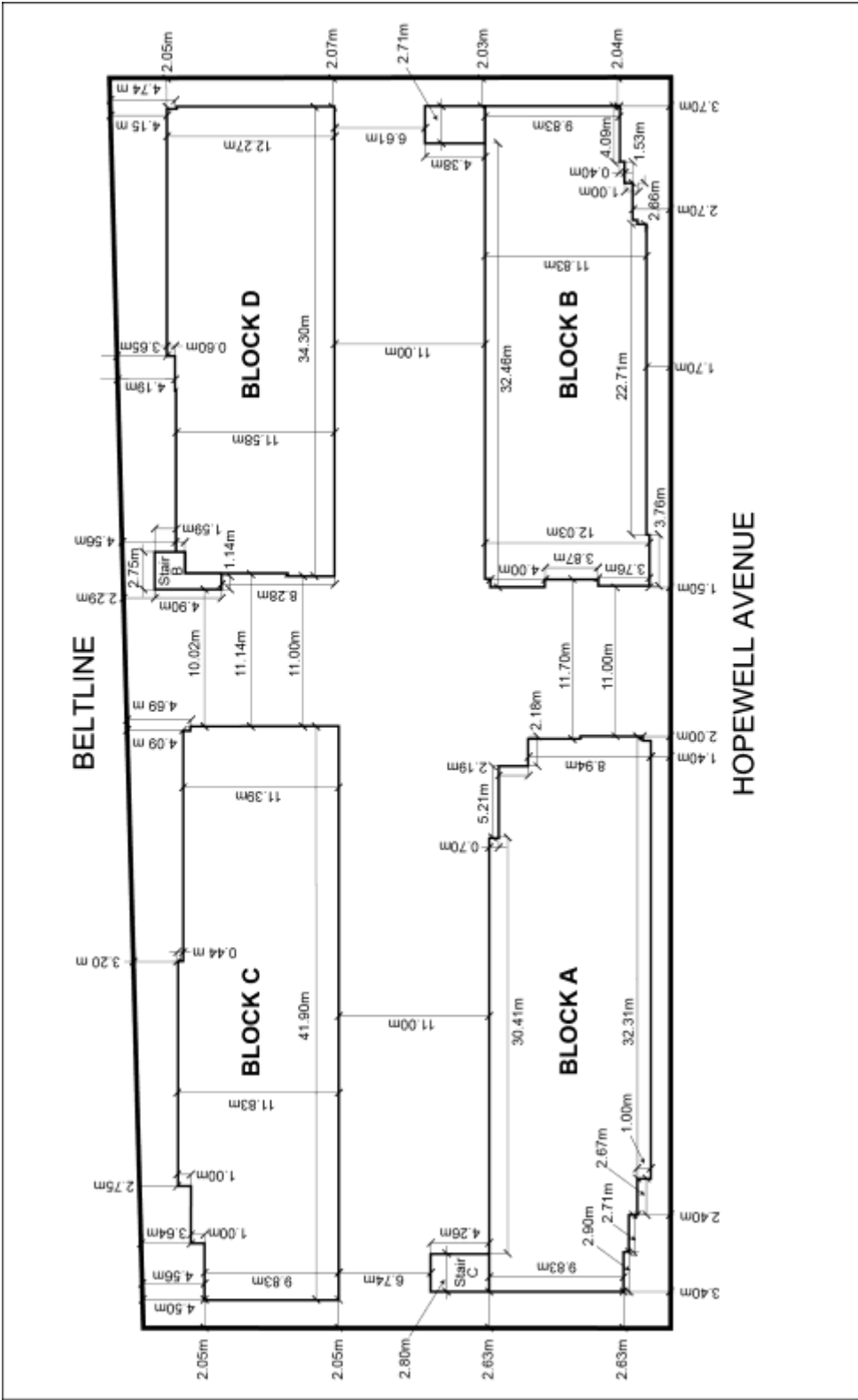
Schedule 1

Lots 161 to 166, Both Inclusive. R.P. 1499 City of Toronto
 Schaeffer Dzalov Bennett Ltd., Ontario Land Surveyors
 Date: 07/21/2014
 Approved by: E.R.

File # 11 259843 MNY 15 02



Not to Scale



RM1 16 (451)

Applicant's Supplied Drawing

File # 11 259843 NNY 15 0Z

Date: 07/21/2014
Approved by: E.R.



Not to Scale