

Authority: Etobicoke York Community Council Item EY12.2, as adopted by City of Toronto Council on March 10, 2016 and MM17.33, moved by Councillor Justin J. Di Ciano, seconded by Councillor Frances Nunziata, as adopted by City of Toronto Council on March 31 and April 1, 2016

CITY OF TORONTO

BY-LAW No. 292-2016

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2016 as 1030 and 1040 Islington Avenue.

Whereas Council of the City of Toronto has the authority pursuant to 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 density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is 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. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The lands are amended by lifting the exemption on the lands from Zoning By-law No. 569-2013.
3. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: RT(d0.75)(x77), and EL(x55) as shown on Diagram 2 attached to this By-law.

4. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height and storey label to these lands: "HT 12.4, ST 3" for the RT portion, and "HT 15.1, ST 2" for the EL portion, as shown on Diagram 3 attached to this By-law.
5. For the purposes of the By-law Section 10.5, Chapter 200, Table 200.5.10.1, Chapter 220, and Section 220.5.10 shall not apply.
6. Zoning By-law No. 569-2013, as amended, is further amended by amending Article 900.5.10.77 Exception Number 77 so that it reads:

Exception RT (x77)

Notwithstanding Sections 10.60.20, 10.60.20.20, 10.60.20.100, 10.60.30, 10.60.30.10, 10.60.30.20, 10.60.30.40, 10.60.40.10, 10.60.40.40, 10.60.40.70, 10.60.40.80, 10.60.40.81 of Zoning By-law No. 569-2013, the following development standards shall apply:

- (a) By-law 293-2016

7. Zoning By-law No. 569-2013, as amended, is further amended by amending Article 900.5.10.77 Exception Number 5 so that it reads:

Exception EL (x5)

Notwithstanding Sections 60.10, 60.10.20, 60.10.20.10, 60.10.20.20, 60.10.20.100, 60.10.30, 60.10.30.20, 60.10.30.21, 60.10.40.10, 60.10.40.11, 60.10.40.70, 60.10.40.71, 60.10.50.10, 60.10.60.10, 60.10.80, 60.10.90 of Zoning By-law No. 569-2013, the following development standards shall apply:

- (a) By-law 293-2016

8. Section 37 Provisions

- (a) An indexed cash contribution of \$325,000.00 to be paid to the City prior to the earlier of site plan approval or issuance of the first above-grade building permits, to be allocated in Ward 5 Etobicoke-Lakeshore, generally as follows:
 - i. \$315,000.00 towards streetscape improvements along The Queensway between Islington Avenue and Royal York Road; and
 - ii. \$10,000.00 towards capital improvements to Fairfield Park;

The cash contribution identified in 7(a) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto from the date of execution of the Section 37 Agreement to the date of payment, all to the satisfaction of the Chief Planner and Executive Director, City Planning.

In the event the cash contributions referred to 7(a) above have not been used for the intended purposes within three (3) years of the By-law coming into full force and effect, the cash contributions may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

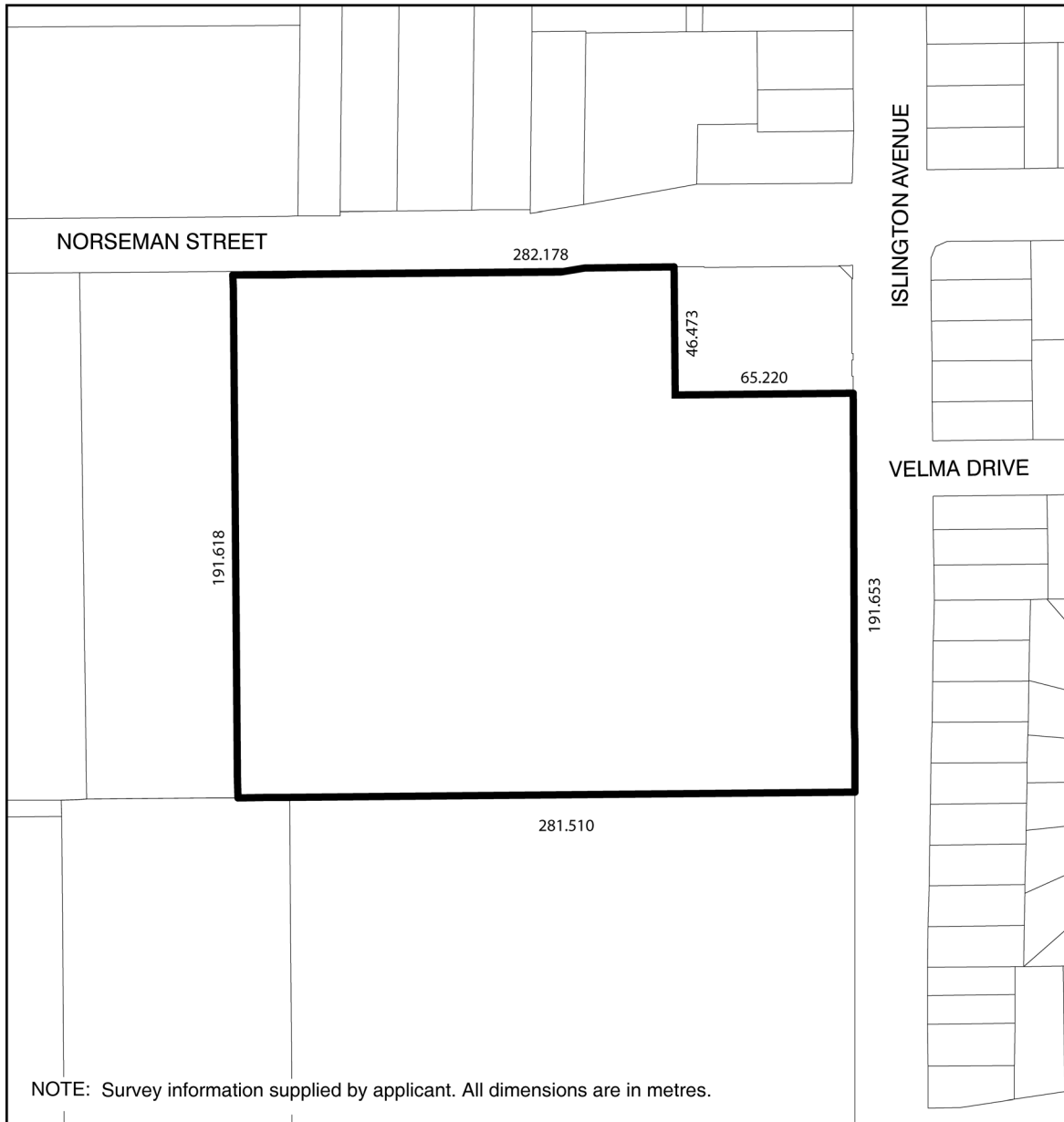
- (b) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:
 - i. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee;
- (c) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 2 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in 7(a) above and which are 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;
- (d) Where 7(a) above 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; and
- (e) 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 7(a) above are satisfied.

Enacted and passed on April 1, 2016.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



1030 & 1040 Islington Avenue

Diagram 1

File # 13 274561 WET 05 02



Not to Scale
02/03/2016

