

Authority: Etobicoke York Community Council Item EY20.2, as adopted by City of Toronto Council on March 9, 2017

## CITY OF TORONTO

### BY-LAW 837-2017

**To amend former City of York Zoning By-law 1-83, as amended by By-law 1001-2010, with respect to the lands municipally known in the year 2016 as 82 Buttonwood 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 City of Toronto By-law 1001-2010 provided increases in height and density and, in respect of which, a Section 37 Agreement was entered into by the owner of the land and the municipality for the provision of facilities, services and matters in return for the increases in height and density of development; 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 height and/or density permitted beyond that otherwise permitted on the aforesaid lands, 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. Except as otherwise provided herein, the provisions of the former City of York By-law 1-83, as amended, and City of Toronto By-law 1001-2010, shall continue to apply to the lands.
2. By-law 1001-2010 is amended, by deleting Schedule "A" and replacing it with revised Schedule A attached to and forming part of this By-law thereby changing the area shown

on District Map 22 of former City of York By-law 1-83, as amended, to incorporate a modified block pattern and to rezone a portion of the lands from R2-H S16(197) to R2 S16(197).

3. By-law 1001-2010 is amended by deleting Schedule "B" and replacing it with revised Schedule B attached to and forming part of this By-law.
4. By-law 1001-2010 is amended by inserting, immediately following Schedule "B", a new Schedule C attached to and forming part of this By-law.
5. Section 2 of By-law 1001-2010 is amended by further amending Section 16, subsection (197) Section A. c) i) of the former City of York By-law 1-83, as amended, by deleting the words "a minimum of 1.3 parking spaces per bed" and replacing them with the words "a minimum of 1.85 parking spaces per bed".
6. Section 2 of By-law 1001-2010 is amended by further amending Section 16, subsection (197) Section A. of the former City of York By-law 1-83, as amended, by inserting the following new Sections A. c) vii) to A. c) xi), immediately following Section A. c) vi) as follows:
  - "vii) despite Section A, d) hereof, clearly identified off-street accessible parking spaces must be provided on the same Block as every building or structure erected or enlarged, except for Block A which accessible parking spaces may be located in Block C, in compliance with the following:
    1. if the number of required parking spaces for the Block is 12 or fewer, a minimum of 1 Type A accessible parking space must be provided that complies with the minimum dimensions of a Type A accessible parking space set out in Section A. c) ix) hereof;
    2. if the number of required parking spaces for the Block is between 13 and 100, a minimum of four percent of the required parking spaces, rounding up to the nearest whole number, must be provided as accessible parking spaces as follows;
      - a. where an even number of accessible parking spaces are required, an equal number of Type A and Type B accessible parking spaces must be provided that comply with the applicable minimum dimensions of a Type A and Type B accessible parking space set out in Section A. c) ix); and
      - b. where an odd number of accessible parking spaces are required, the number must be divided evenly between Type A and Type B accessible parking spaces that comply with the applicable minimum dimensions of a Type A and Type B accessible parking space set out in Section A. c) ix) and the additional odd numbered space may be a Type B accessible parking space;

3. if the number of required parking spaces for the Block is between 101 and 200, 1 parking space plus an additional three percent of the required parking spaces, rounding up to the nearest whole number, must be provided as accessible parking spaces as follows:
    - a. where an even number of accessible parking spaces are required, an equal number of Type A and Type B accessible parking spaces must be provided that comply with the applicable minimum dimensions of a Type A and Type B parking space set out in Section A. c) ix); and
    - b. where an odd number of accessible parking spaces are required, the accessible parking spaces must be divided evenly between Type A and Type B accessible parking spaces that comply with the applicable minimum dimensions of a Type A and Type B accessible parking space set out in Section A. c) ix) and the additional odd numbered space may be a Type B accessible parking space;
  4. if the number of required parking spaces for the Block is between 201 and 1000, 2 parking spaces plus an additional 2 percent of the required parking spaces, rounding up to the nearest whole number, must be provided as accessible parking spaces as follows:
    - a. where an even number of accessible parking spaces are required, an equal number of Type A and Type B accessible parking spaces must be provided that comply with the applicable minimum dimensions of a Type A and Type B accessible parking spaces as set out in Section A. c) ix); and
    - b. where an odd number of accessible parking spaces are required, the accessible parking spaces must be divided evenly between Type A and Type B accessible parking spaces as set out in Section A. c) ix) and the additional odd numbered space may be a Type B accessible parking space;
- viii) accessible parking spaces must be the parking space located:
1. closest to a principal entrance to a building; and
  2. at the same level as the pedestrian entrance to the building;
- ix) accessible parking spaces will be provided in two sizes and must maintain a 1.5 metre access aisle abutting the entire length of each accessible parking space as follows:

1. a Type A accessible parking space will have an unobstructed rectangular area with a minimum width of 3.4 metres, length of 5.6 metres and a vertical clearance of 2.1 metres;
  2. a Type B accessible parking space will have an unobstructed rectangular area with a minimum width of 2.4 metres, length of 5.6 metres and a vertical clearance of 2.1 metres; and
  3. an access aisle is required to abut each accessible parking space and may be shared by two adjacent accessible parking spaces;
- x) a parking space shall have the following minimum dimensions:
1. the minimum dimensions of a parking space, accessed from a one-way drive aisle having a width of 6.0 metres or more measured at the entrance to the parking space, shall be:
    - a. length - 5.6 metres;
    - b. width - 2.6 metres;
    - c. vertical clearance - 2.0 metres; and
    - d. the minimum width of 2.6 metres must be increased by 0.3 metres for each side of the parking space that is obstructed in accordance with x)4. below;
  2. the minimum dimensions of a parking space accessed by a drive aisle having a width of less than 6.0 metres, whether it is a one-way or two-way drive aisle, shall be:
    - a. length - 5.6 metres;
    - b. width - 2.9 metres;
    - c. vertical clearance - 2.0 metres; and
    - d. the minimum width of 2.9 metres must be increased by 0.3 metres for each side of the parking space that is obstructed in accordance with x)4. below;
  3. the minimum dimension of a parking space that is adjacent and parallel to a drive aisle from which vehicle access is provided shall be:
    - a. length - 6.7 metres;
    - b. width - 2.6 metres;

- c. vertical clearance - 2.0 metres; and
    - d. the minimum width of 2.6 metres must be increased by 0.3 metres for each side of the parking space that is obstructed in accordance with x)4. below;
  - 4. the side of a parking space is obstructed if any part of a fixed object such as a wall, column, bollard, fence or pipe is situated:
    - a. within 0.3 metres of the side of the parking space, measured at right angles; and
    - b. more than 1.0 metres from the front or rear of the parking space;
  - 5. if the calculation of the number of parking spaces results in a fraction, the number is rounded down to the nearest whole number, but there is not to be less than one parking space; and
- xi) a maximum number of 265 parking spaces required for the existing buildings and uses on the lands as at January 1, 2017, may be provided off-site, with the exception of parking required for the Existing Long Term Care Building as illustrated on Schedule C."
- 7. Section 2 of By-law 1001-2010 is amended by further amending Section 16, subsection (197) Section A. of the former City of York By-law 1-83, as amended by renumbering the second reference to Section "A. p)" after Section "A. q)", as Section "A. r)".
- 8. Section 2 of By-law 1001-2010 is amended by further amending Section 16, subsection (197) Section A. of the former City of York By-law 1-83, as amended by inserting the following new Section "A. s)" after Section "A. r" as follows:
  - "s) the areas within a building used for the following uses shall be excluded for the purposes of calculating gross floor area:
    - i) parking, loading, bicycle parking below-ground;
    - ii) loading areas and bicycle parking areas that are at, below or above-ground;
    - iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms;
    - iv) shower and change facilities required by this By-law for required bicycle parking spaces;
    - v) elevator shafts;
    - vi) garbage shafts;

- vii) mechanical penthouses;
- viii) exit stairwells in or attached to the building; and
- ix) covered or enclosed access walkways below grade between buildings and parking areas."

9. Section 2 of By-law 1001-2010 is amended by further amending Section 16, subsection (197) Section B. of the former City of York By-law 1-83, as amended by deleting Section B. "Regulations Applying to Block A only" and replacing it with revised Section B. as follows:

"B. Regulations Applying to Block A only:

- a) any building or addition thereto, to be constructed after January 1, 2017 shall be located within the building zone on Schedule C, with the exception of balconies, awnings, lighting fixtures, ornamental elements, trellises, window sills, balustrades, stairs, stair enclosures, wheelchair ramps, underground garage ramps, underground loading ramps, below grade access walkways, landscape features and ornamental elements;
- b) the maximum height of all buildings within the building zone on Schedule C shall be 29 metres, excluding mechanical penthouse, parapets, terrace guards and dividers, planters, railings, decorative screens, window washing equipment, structures for noise attenuation, outside or open air recreation, safety or wind protection purposes in addition to the height exemptions listed in Section 3.7.1 of former City of York By-law 1-83, as amended:
- c) the maximum gross floor area of all buildings within Block A on Schedule C shall be 84,500 square metres;
- d) the maximum number of beds within Block A associated with the uses identified as I to III in Section a) above shall be 460;
- e) the maximum number of beds within Block A associated with the use identified as IV in Section a) above shall be 200;
- f) the hospital buildings and facilities existing on the lands on January 1, 2017 shall be permitted during construction of the new hospital building within the building zone and pending their demolition, but this permission does not extend to periods of construction of future additions; and
- g) despite B. f) above, the building identified as the "Existing Long Term Care Building" and illustrated on Schedule C shall be permitted to continue in Block A with the new hospital building constructed in the building zone."

10. Section 2 of By-law 1001-2010 is amended by further amending Section 16, subsection (197) Section E. d) of the former City of York By-law 1-83, as amended by deleting the words "maximum gross floor area of all buildings shall be 38,500 square metres" and replacing them with the words "maximum gross floor area of all buildings shall be 31,000 square metres".
11. Section 2 of By-law 1001-2010 is amended by further amending Section 16, subsection (197) Section E. e) of the former City of York By-law 1-83, as amended by deleting the words "the maximum number of beds and/or residential units associated with the uses identified as IV to VIII in Section b) above shall be 450" and replacing them with the words "the maximum number of beds and/or residential units associated with the uses identified as IV to VIII in Section b) above shall be 270".
12. Section 2 of By-law 1001-2010 is amended by further amending Section 16, subsection (197) Section F. of the former City of York By-law 1-83, as amended by inserting the following definitions immediately following the definition of "Short-Term Bicycle Parking":
- "Building Zone" shall mean the area within Block A shown in hatching on Schedule C attached to and forming part of this By-law;
- "Parking Space" shall mean an area used for parking or storing a vehicle;
- "Vehicle" shall mean a wheeled or tracked device, either self-propelled or capable of being pulled by a self-propelled device, for moving persons or objects, or used for construction or agriculture; and
- "Drive Aisle" shall mean a vehicle passageway located within an area used for parking or storage of 3 or more vehicles".
13. Section 2 of By-law 1001-2010 is amended by further amending Section 16, subsection (197) Section K. of the former City of York By-law 1-83, as amended by deleting Section K. a. and replacing it with revised Section K. a. as follows:
- "K. a. Prior to occupancy of the newly constructed main hospital building on Block A, or, not later than the timing and on the terms provided for in the Section 37 Agreement, as amended, the owner shall provide, at its own expense, not less than one (1.0) hectare of publicly accessible, privately managed open space within Block A, the details and location of which shall be determined in the context of site plan approval, and shall convey a public access easement to the City, free and clear of encumbrances and for nominal consideration, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor, in consultation with the General Manager, Parks Forestry and Recreation for use as long as the West Park Healthcare Centre continues in operation on Block A all in accordance with terms to be set out in the Section 37 Agreement, as amended, including satisfactory provisions for maintenance, insurance and indemnity of the City."

- 14.** Section 2 of By-law 1001-2010 is amended by further amending Section 16, subsection (197) Section K. of the former City of York By-law 1-83, as amended by inserting new Sections K. h. after Section K. g. as follows:

"h. prior to any occupancy of the newly constructed main hospital building on Block A, the owner shall provide a phasing plan for the transfer of hospital operations to the new facility and shall have obtained demolition permits for the demolition of buildings within Blocks A and C existing on January 1, 2017, with the exception of the Long Term Care Building shown on Schedule C, or shall have demonstrated that appropriate arrangements for such demolition have been made, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Chief Building Official and the City Solicitor";

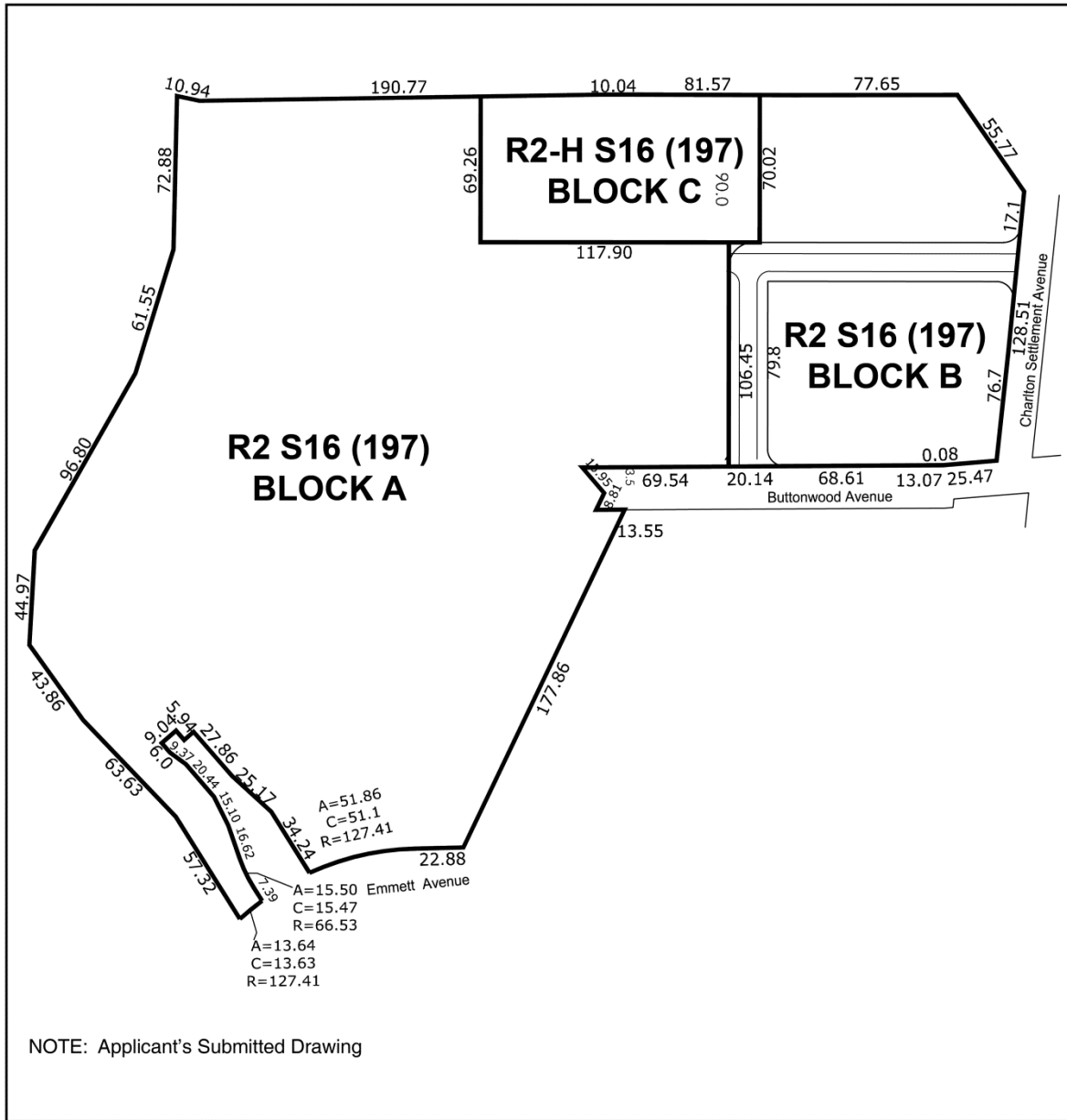
Enacted and passed on July 7, 2017.

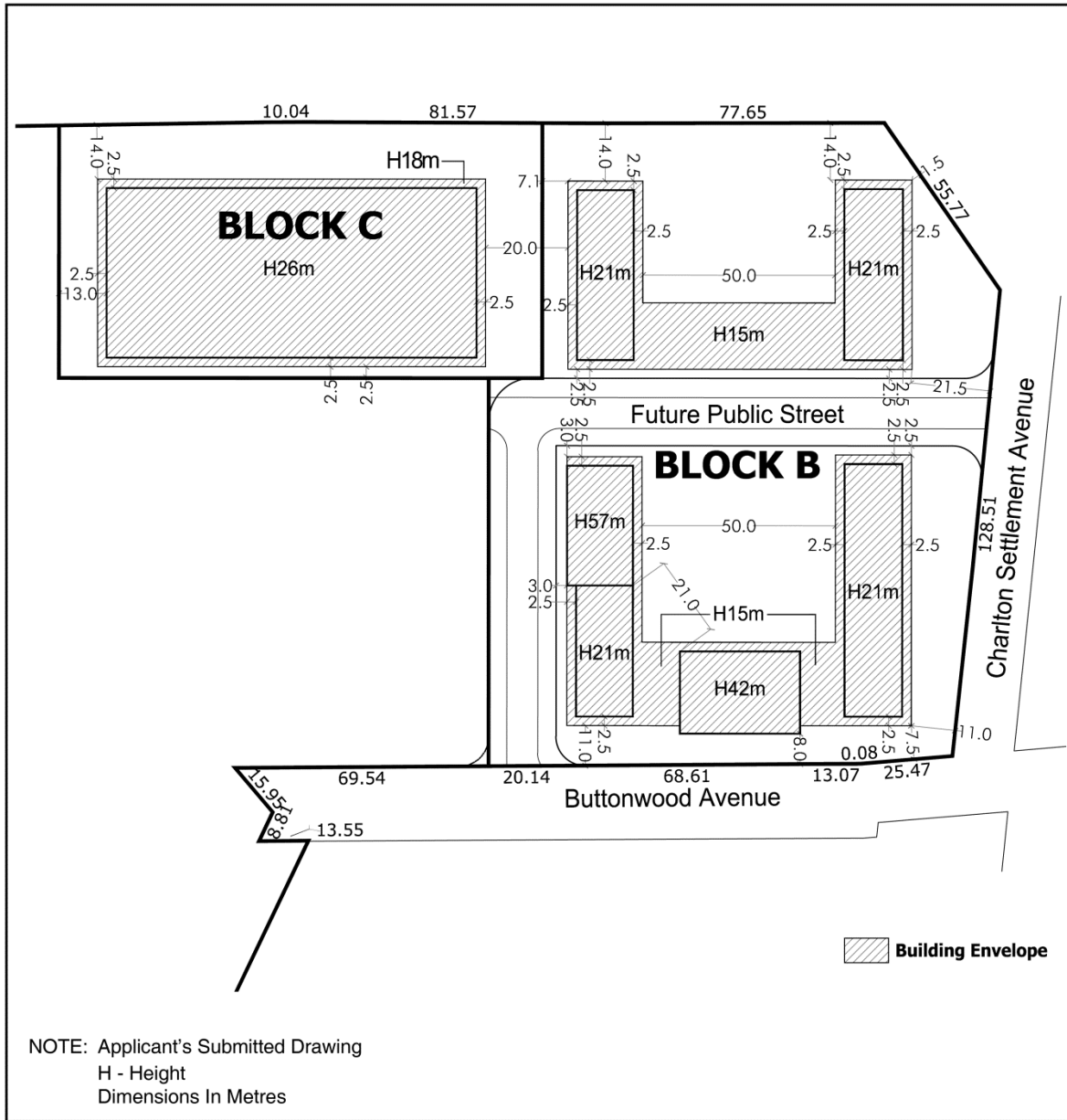
Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)







**TORONTO** City Planning  
 Schedule B

82 Buttonwood Avenue

File # 16 121271 WET 11 0Z

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 Not to Scale  
 04/11/2017

