

Authority: North York Community Council Item NY25.3, as adopted by City of Toronto Council on November 7, 8 and 9, 2017

CITY OF TORONTO

BY-LAW 1242-2017

To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2017 as 1580 Avenue Road.

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*, 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 height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 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 words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 3.0 (c2.0; r2.8) SS2 (x128), as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 128 so that it reads:

Exception (128)

5. The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) The lands must comply with Exception 900.11.10(1543);
- (B) On 1580 Avenue Road, if the requirements in Section 5 and Schedule 1 of By-law 1242-2017 are complied with, none of the provisions of 40.10.40.10(2), 40.10.40.40(1), 900.11.10(1543)(G) or (M), apply to prevent the erection and use of a **building, structure**, addition or enlargement permitted in compliance with (C) to (K) below;
- (C) Despite regulation 40.5.40.10(1), the height of a **building or structure** is measured from the Canadian Geodetic Datum elevation of 171.95 metres;
- (D) Despite regulation 40.5.40.10(1) and 40.10.40.10(2), the height of any **building or structure** on the lot must not exceed the maximum height in metres specified by the numbers following the symbol "HT" as shown on Diagram 3 of By-law 1242-2017;
- (E) Despite regulations 40.5.40.10 (3), (4), (6) and (7), the following may exceed the height indicated by the numbers following the letter "HT" as shown on Diagram 3 of By-law 1242-2017 by a maximum of 5 metres: eaves, canopies, cornices, lighting fixtures, awnings, fences and safety railings, architectural features, parapets, trellises, balustrades, window washing equipment, privacy screens, architectural screens, guardrails, terraces, platforms, transformer vaults, ornamental elements, architectural elements, landscaping elements, green roof elements, roof access hatches, walkways, stairs, covered stairs and or stair enclosures, stair landings, planters, skylights, mechanical and electrical equipment, elevator shafts and their enclosures, and art features;
- (F) Regulation 40.10.40.1(1) with respect to location of commercial uses in a **mixed use building**, does not apply;
- (G) Despite regulation 40.10.40.40(1), the gross floor area must not exceed 10,060 square metres;
- (i) a maximum of 9,335 square metres may be used for residential uses; and
- (ii) a maximum of 725 square metres may be used for non-residential uses;

- (H) Despite regulations 40.10.40.70(2) and the setback and angular plane requirements in 900.11.10(1543), no portion of a **building** or **structure** above grade can extend beyond the areas delineated by heavy lines on Diagram 3 of By-law 1242-2017, with the exception of:
- (i) The permitted encroachments listed in Clause 40.50.40.60; and
 - (ii) Light fixtures, parapets, art and landscape features, planters, ventilation shafts, guardrails, balustrades, railings, stair enclosures, doors, fences, screens, cornices, ornamental elements, patios, decks, pillars, trellises, balconies, terraces, eaves, window sills, planters, wheelchair ramps, awnings, and canopies;
- (I) **Parking spaces** must be provided and maintained, according to the following standards:
- (i) A maximum of 65 **parking spaces** for residential dwelling units;
 - (iii) A minimum of 7 **parking spaces** for residential visitors; and
 - (iii) A minimum of 16 **parking spaces** for non-residential uses shall be provided and a minimum of 1 space for each additional 100 square metres of non-residential gross floor area above 725 square metres;
- (J) Regulation 200.15.1(1) and clause 200.15.1.5 with respect to accessible **parking spaces**, do not apply;
- (K) Regulations 40.10.50.10(2) and (3) with respect to **landscaping** when abutting a residential zone, do not apply;
- (L) Clause 40.10.90.40, with respect to loading, does not apply;
- (M) Regulation 40.10.100.10 (1), with respect to **vehicle** access, does not apply;
- (N) Despite regulation 40.10.40.50(1), **amenity space** must be provided and maintained as follows:
- (i) a minimum of 570 square metres of indoor **amenity space**, with an additional 2 square metres for every **dwelling unit** above 36 **dwelling units**; and
 - (ii) a minimum of 200 square metres of outdoor **amenity space**; with an additional 2 square metres for every **dwelling unit** above 36 **dwelling units**.

Prevailing By-laws and Prevailing Sections: (None Apply)

6. Section 37 Provisions:

- (A) 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 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule 1 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;
- (B) Where Schedule 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 Schedule 1 are satisfied.

Enacted and passed on November 9, 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

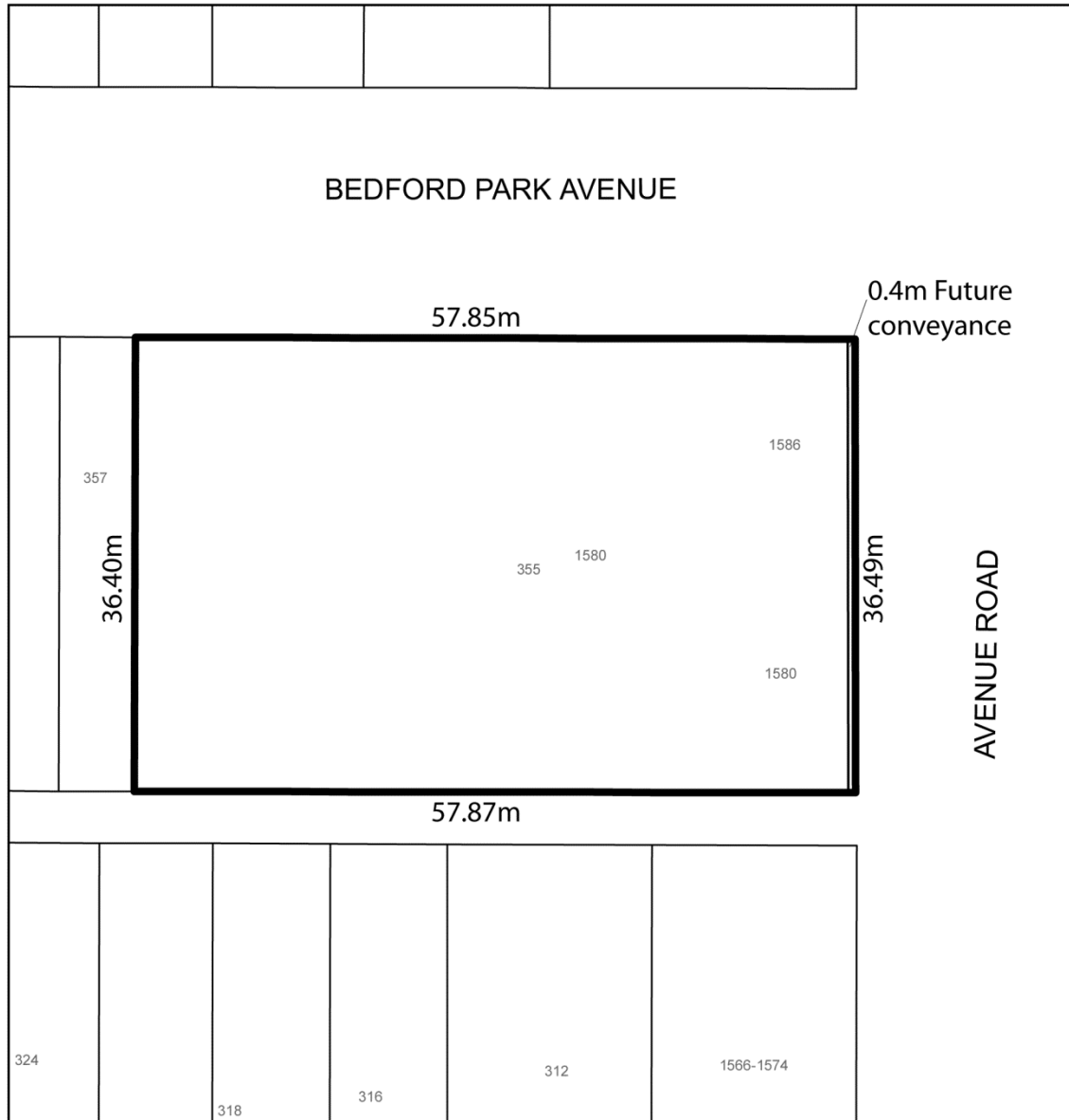
(Seal of the City)

SCHEDULE 1

Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *lot* at its expense to the *City* or as otherwise specified in this Appendix, in accordance with an agreement, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* and the owner with conditions providing for indexing escalation of both the financial contributions, and letters of credit, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:


1. The community benefits to be secured in the Section 37 agreement are:
 - a. A cash payment of \$694,000 payable prior to the issuance of the first above grade building permit:
 - i. To be used towards park and streetscape improvements in the area, all to the satisfaction of the Chief Planner and Executive Director of City Planning in consultation with the Ward Councillor;
 - ii. In the event the financial contribution referred to in (i) above has not been used for the intended purpose within 3 years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose at the sole discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands;
 - b. Require that the cash amount identified shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the prior from the date of the execution of the Section 37 Agreement to the date of payment;
 - c. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - i. the owner is required to install and maintain at no cost to the City a publicly-accessible parkette located adjacent and to the south of the site on the City's public right-of-way land (unopened public lane) to the satisfaction of the Director of Transportation Services.

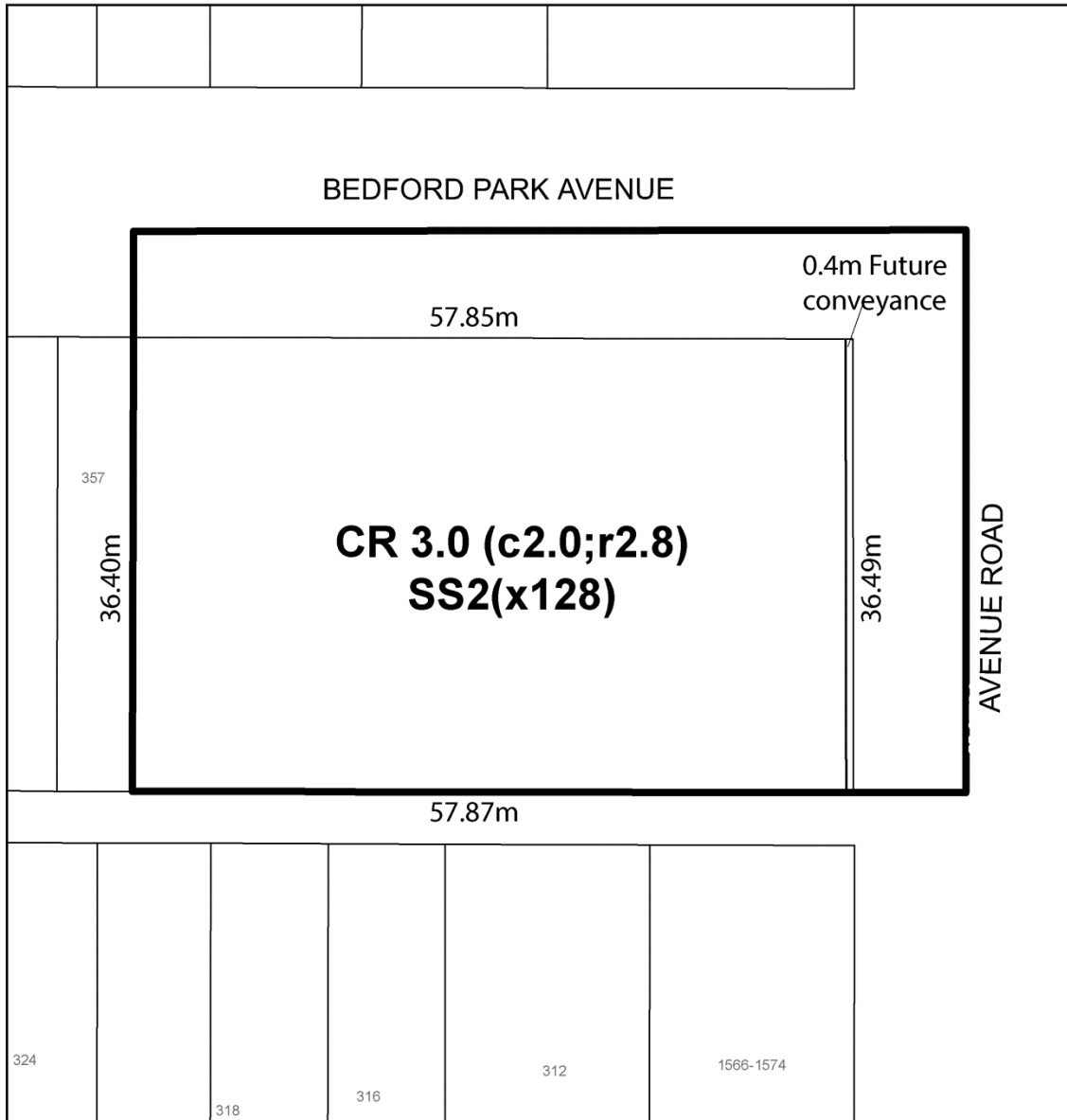


 **TORONTO**
Diagram 1

1580 Avenue Road

File # 16 140646 NNY 16 0Z



City of Toronto By-Law 569-2013
Not to Scale
9/12/2017

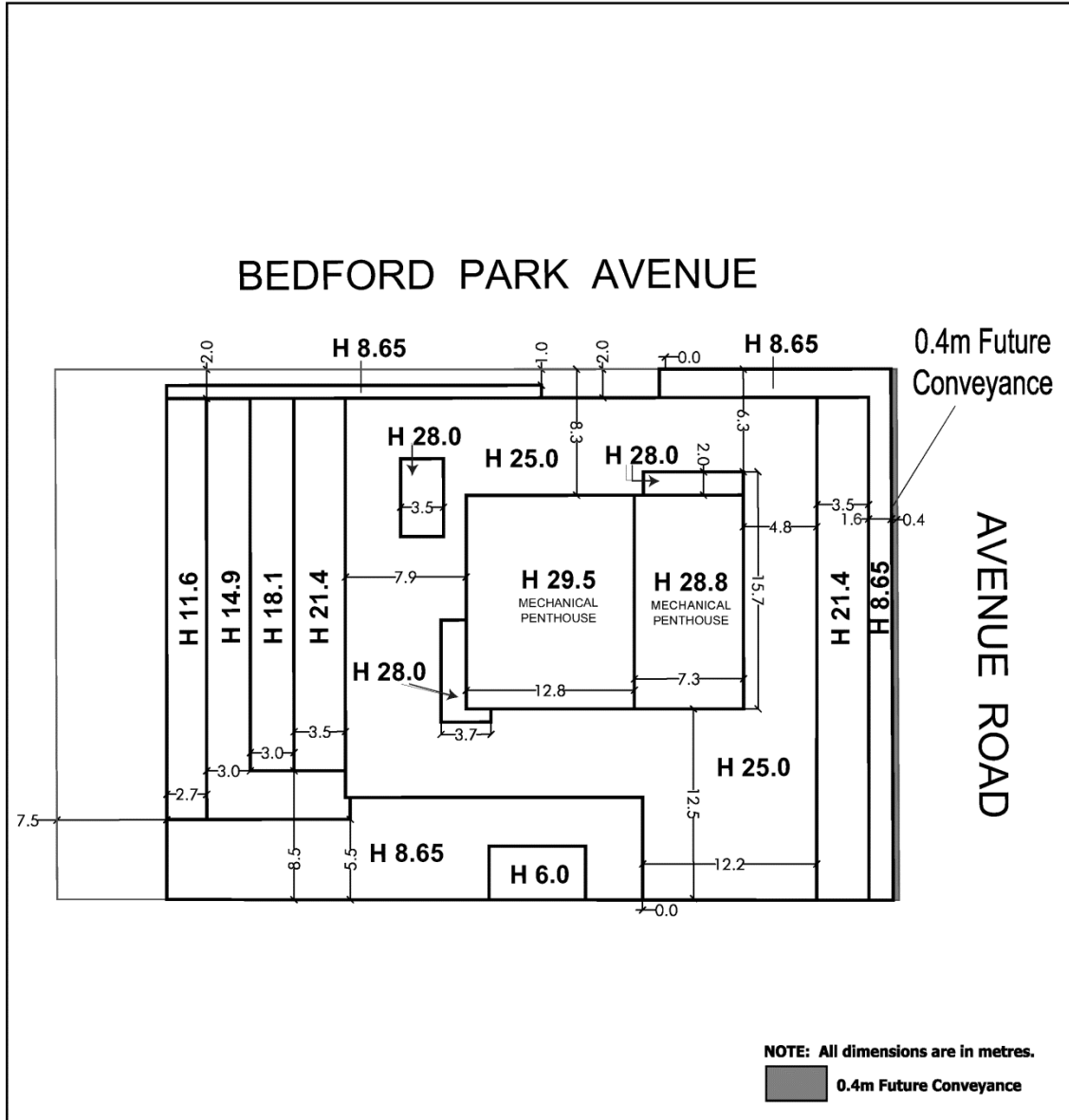


 **TORONTO**
Diagram 2

1580 Avenue Road

File # 16 140646 NNY 16 0Z


City of Toronto By-Law 569-2013
Not to Scale
11/02/2017



TORONTO
Diagram 3

1580 Avenue Road

File # 16 140646 NNY 16 0Z

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City of Toronto By-Law 569-2013
Not to Scale
11/06/2017