

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 1243-2017

To amend former City of North York Zoning By-law 7625, as amended, with respect to lands municipally known as 1580 Avenue Road.

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 7625, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured;

The Council of the City of Toronto enacts:

1. Schedules "B" and "C" of the By-law 7625 of the former City of North York are amended in accordance with Schedule 1 of this By-law.
2. Section 64.26 of By-law 7625 is amended by adding the following subsection:

"64.26(17) C4(17)

DEFINITIONS

- (a) For the purpose of this exception "Established Grade" shall mean the elevation as fixed by the municipality, being the geodetic elevation of 171.95 metres;
- (b) For the purpose of this exception "Bicycle Parking Spaces – Long Term" shall mean an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles for long-term uses indoors;

- (c) For the purpose of this exception "Bicycle Parking Spaces – Short Term" shall mean an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles and may be located outdoors but not within a secured room, enclosure or bike locker;

PERMITTED USES

- (d) In addition to all uses normally permitted in a C4 zone and C4(12) exception zone under Section 26(2), an apartment building with non-residential uses on the first floor is permitted;

EXCEPTION REGULATIONS

GROSS FLOOR AREA

- (e) The maximum gross floor area shall not exceed 10,060 square metres at-grade and above, of which a maximum of 725 square metres shall be used for non-residential purposes;

YARD SETBACKS

- (f) The minimum yard setbacks shall be as shown on Schedule C4(17);

MAXIMUM UNITS

- (g) The maximum number of dwelling units on the lot shall not exceed 36;

BUILDING HEIGHT

- (h) The building height shall not exceed the maximum heights in metres specified on Schedule C4(17);
- (i) The following are permitted projections beyond the permitted height as shown on Schedule C4(17); parapets, skylights, fences, safety railings, privacy screens, stairs, stair enclosures, covered stairs, landscaping elements, green roof elements, transformer vaults, ornamental elements, architectural elements, roof access hatches, walkways, stair landings, planters, art features, awnings, cornices, eaves, canopies, lighting fixtures, architectural features, trellises, balustrades, window washing equipment, architectural screens, guard rails, terraces, platforms, and mechanical and electrical equipment, elevator shafts and their enclosures may exceed the permitted maximum height specified by the number following the "H" symbol as shown on Schedule C4(17) of By-law 1243-2017 by 5.0 metres provided that the maximum height for a mechanical penthouse shall not exceed the maximum height specified for by the number following the "H" symbol as shown on Schedule C4(17) of By-law 1243-2017;

AMENITY AREA

- (j) A minimum of 570 square metres of indoor recreational amenity area shall be provided, and an additional 2 square metres for every dwelling unit above 36 dwelling units;
- (k) A minimum of 200 square metres of outdoor recreational amenity area shall be provided, and an additional 2 square metres for every dwelling unit above 36 dwelling units;

BUILDING REQUIREMENTS

- (l) Any building or structure greater than 9 metres in height shall have a 1.6 metre step-back of the main external building wall along the Avenue Road frontage, at the top of the second storey. The step-back shall be measured from the main external face of the building at the top of the second storey, as shown on Schedule C4(17);
- (m) The finished first floor of the first storey of any building or structure fronting on to Avenue Road shall be within 0.2 metres of grade measured at the street line directly opposite each pedestrian opening;
- (n) At least 60 percent of the floor area of the first storey of any building or structure fronting on Avenue Road shall be used for non-residential purposes;

BUILDING ENVELOPES

- (o) No portion of any building or structure shall be located otherwise than wholly within the Building Envelopes shown on Schedule C4(17) with the exception of cornices, light fixtures, ornamental elements, parapets, art and landscape features, patios, decks, pillars, trellises, balconies, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, and underground garage ramps and associated structures;

PARKING

- (p) Residential vehicular parking will be provided in accordance to the following standards:
 - (i) A maximum of 65 parking spaces for residential dwelling units;
 - (ii) A minimum of 7 parking spaces for residential visitors; and
 - (iii) A minimum of 16 parking spaces for non-residential 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;

BICYCLE PARKING

- (q) Bicycle parking will be provided in accordance with the following:
 - (i) A minimum of 0.07 Bicycle Parking Spaces for each dwelling unit Short Term shall be provided; and
 - (ii) A minimum of 0.68 Bicycle Parking Spaces for each dwelling unit Long Term shall be provided;

OTHER REGULATIONS

- (r) The provisions of Sections 6(9), 6(13), 6A(2), 26(6) and 26(8) of By-law 7625 and Section 2(f) and 2(d) of By-law 107-2010 shall not apply;
- (s) Notwithstanding any future severance, partition or division of the lands shown on Schedule C4(17), the provisions of this By-law shall apply to the whole of the lands as if no severance, partition or division occurred.";

INCREASED DENSITY SECTION 37

- (t) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in density of the development is permitted beyond that otherwise permitted on the lands shown on Schedule 1 in return for the provision;
- (u) by the owner, at the owner's expense of the facilities, services and matters set out in Schedule 1 hereof 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;

SECTION 37 AGREEMENT

- (v) 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 the satisfaction of same;
- (w) The owner shall not use, or permit the use of, a building or structure erected with an increase in 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

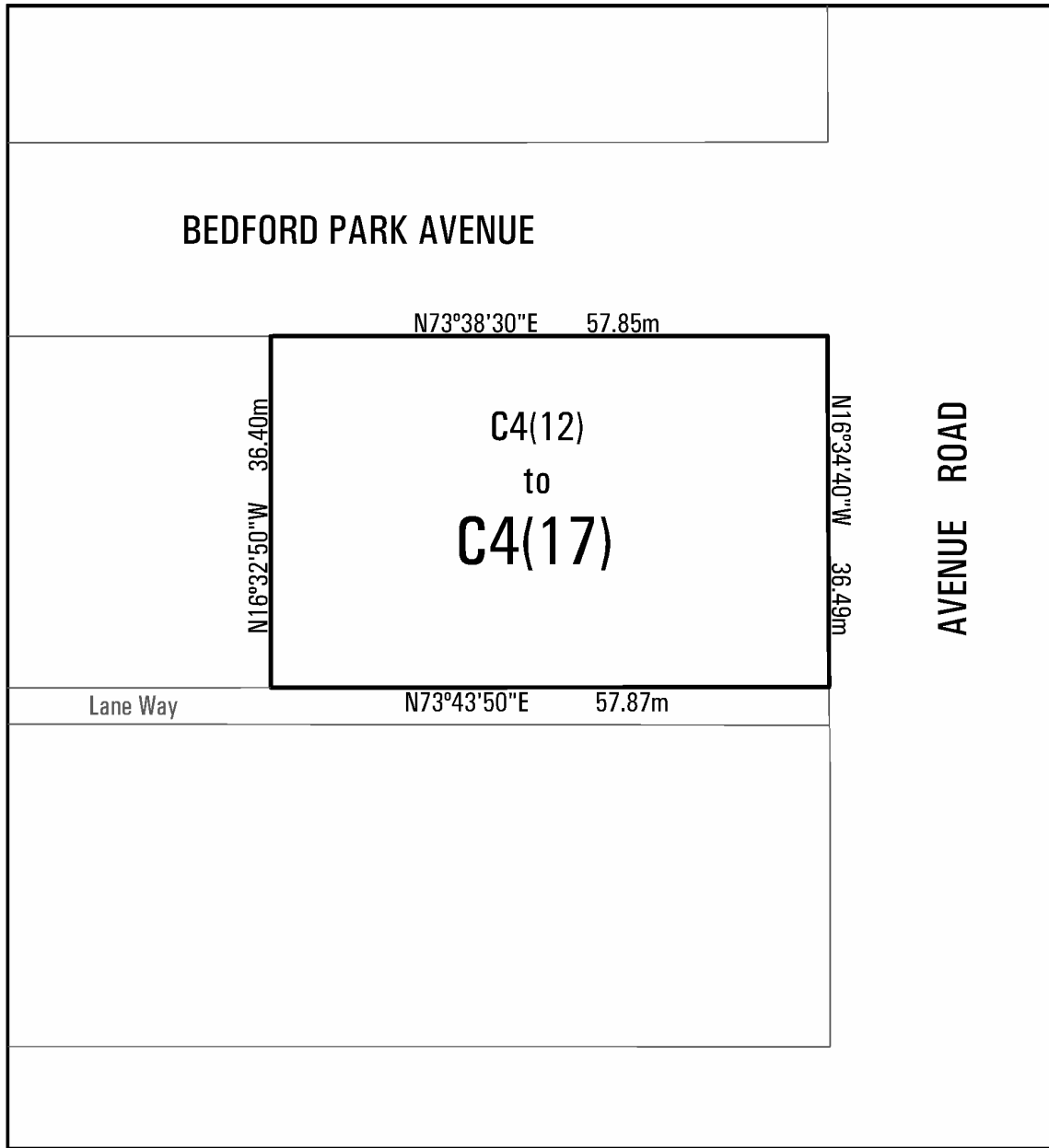
(Seal of the City)

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; and
 - 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.



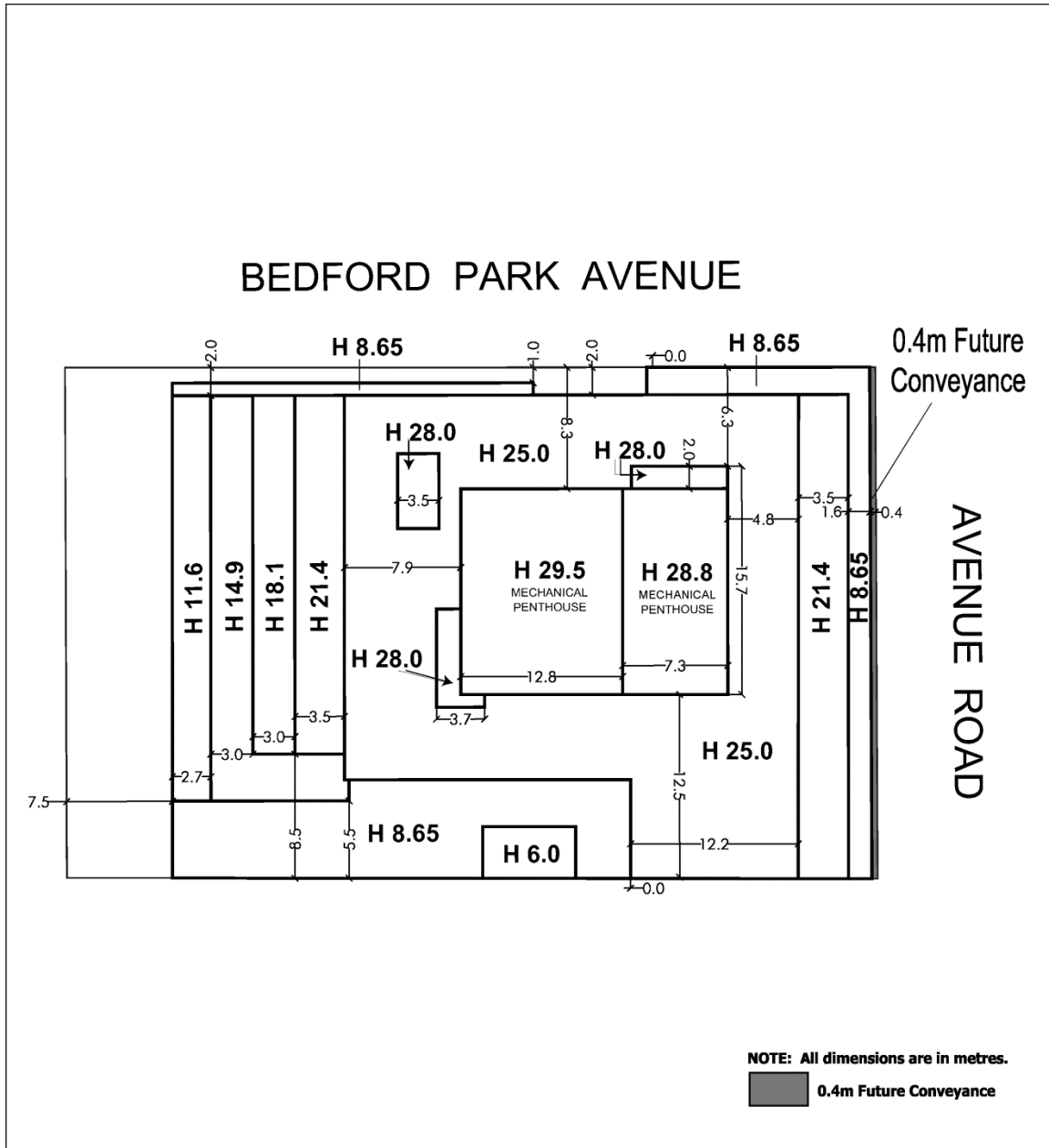
Schedule 1

Part of Lot 1329 and all of of LOTS 1079 to 1086 and 1328 Part of lane Registered Plan M-108
Speight, Van Nostrand & Gibson Limited

File # 16 140646 NNY 16 0Z

Date: 9/12/2017
Approved by: D.S.


Not to Scale



Schedule C4(17)

From Applicant's Drawing

File # 16 140646 NNY 16 0Z

Date: 11/06/2017
Approved by: Diane Silver

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Not to Scale