

Attachment 9 – Draft Zoning By-law

Authority: Etobicoke York Community Council Item EY31.13 as adopted by City of Toronto Council on ~, 2009

Enacted by Council: ~, 2009

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2009

To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to the lands municipally known as, 2800 Bloor Street West

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 Section 5.1.1 of the City of Toronto Official Plan contains provisions relating to the authorization of increases in density and height of development; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may, in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and matters as 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 owners of the lands referred to herein have elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increase in density and height of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands in Chapters 320 and 324 of the Etobicoke Zoning Code, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owners of such lands and the City of Toronto;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. That the zoning map referred to in Section 320-5, Article II of the Zoning Code, and originally attached to the Township of Etobicoke By-law No. 11,737, be and the same is hereby amended by changing the classification of the lands located in the former Township of Etobicoke as described in Schedule 'A' annexed hereto from Second Density Residential (R2) and Fourth Density Residential (R4) to Fourth Density Residential (R4) provided the following provisions shall apply to the development of the (R4) lands identified in Scheduled 'A' attached hereto.

2. Notwithstanding Sections 320-18B, 320-39, 320-40, 320-41, 320-42, 320-43, 320-44, 320-48, 320-66, and 320-68 of the Etobicoke Zoning Code, the following development standards shall apply to the (R4) lands described in Schedule ‘A’ attached hereto.

3. Definitions

The provisions of Section 304-3 Definitions of the Zoning Code shall apply unless inconsistent with the provisions of this By-law. For the purposes of this By-law the following definitions will apply:

“Building Envelope” - means the building area permitted within the setbacks established in this By-law, as shown on Schedule ‘B’ attached hereto;

“Grade” - means with respect to the building including an attached podium erected within a Building Envelope, the geodetic elevation of 111.8 metres above sea level.

“Gross Floor Area” - shall have the same meaning as the Zoning Code definition in Section 304-3, except that the following areas shall also be excluded: Mechanical Floor Area, underground parking garage, below grade storage areas and 1.5 square metres per unit of indoor amenity space based on the total number of units for both Senior Citizens’ Retirement Home Facility units and three Dwelling Units;

“Height” - means, with respect to each section of the building erected within the Building Envelope, the vertical distance between the “Grade” of the Lands as defined in this By-law and the highest point of the roof surface of the building, but shall exclude mechanical equipment, mechanical penthouses, parapets, architectural elements, stairs and stair enclosures located on the roof of such building provided the maximum height of the top of such elements, excluding decorative features, is no higher than 6 metres above the height limit otherwise applicable to the said building;

“Indoor Amenity Area” - means a common area or areas provided for the exclusive use of residents of the building, and their guests, for recreational or social purposes;

“Lands” – shall mean the lands described in Schedule “A” hereto; and for the purposes of this By-law shall be based on the Lands after land dedications and conveyances to the City;

“Mechanical Floor Area” - means a room or enclosed area, including its enclosing walls within a building or structure above or below grade that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical (other than escalators), elevator shafts, or telecommunications equipment that serves only such building;

“Minor Projections”- means minor building elements which may project from the main wall of the building beyond the required setbacks and Building Envelope setbacks,

including eaves, window sills, railings, cornices, lighting fixtures, awnings, canopies, guardrails, ornamental elements, parapets, trellises, balustrades, railings, stairs, stair enclosures, bay windows, doors, covered ramps, wheel chair ramps, ramp enclosures, underground garage ramps and their associated structures, retaining walls and landscape features and vents, provided that in no case shall any building element project above or below grade into the City of Toronto property abutting the Lands along Bloor Street West and project into the City of Toronto property abutting the Lands along The Kingsway. Notwithstanding the aforementioned, minor projections for bay windows located above the first floor shall be no greater than 0.6 metres;

“Outdoor Amenity Area” - means an outdoor common area or areas provided for the exclusive use of residents of the building, and their guests, for recreational or social purposes; and

“Senior Citizens’ Retirement Home Facility” means a Building containing 3 Dwelling Units designed primarily for seniors and containing not more than 86 units designed primarily for seniors, which may include bedrooms, sitting rooms and area and ensuite washrooms, but which may not include kitchen facilities within units or electrical service for a stove or oven, and any accessory uses, such as but not limited to common facilities for the preparation and consumption of meals, personal services and professional consultation spaces such as hair salon, spa, pedicure manicure, massage and exercise rooms and any services associated with these uses including roadways and at-grade or underground parking areas required to support such uses.

4. Permitted Uses

Notwithstanding Section 320-66 of the Etobicoke Zoning Code, a Senior Citizens’ Retirement Home Facility is permitted.

5. Gross Floor Area

The maximum Gross Floor Area, as defined herein, permitted on the Lands shall be 6,900 square metres.

6. Maximum Density

The maximum Floor Space Index (FSI) permitted on the Lands shall be 4.7.

7. Maximum Number of Senior Citizens’ Retirement Home Facility units in the Building

The maximum number of Senior Citizens’ Retirement Home Facility units shall not exceed 86.

8. Number of Dwelling Units in the Building

The Building shall contain 3 Dwelling Units.

9. Maximum Height

For the purposes of this By-law, the maximum building Heights to be permitted on the Lands designated Fourth Density Residential Zone (R4) and identified on Schedule 'A', attached hereto, shall be as shown on Schedule 'B', attached hereto.

10. Setbacks/Building Envelope

No building or structure within the Lands shall be located other than within the Building Envelope shown on Schedule 'B'.

11. Parking and Loading Requirements

Notwithstanding the provisions of Section 320-18 in its entirety, 320-19 and Section 320-66F of the Zoning Code, the following requirements shall apply to the Lands:

- i) Vehicular parking for the Senior Citizens' Retirement Home Facility shall be provided at a minimum ratio of 0.25 stalls per unit of which a minimum of 0.10 stalls per unit shall be provided and reserved for the exclusive use of visitors.
- ii) Minimum vehicle parking stall dimensions, excluding parking stalls for the physically disabled, shall be 2.6 metres wide, 5.6 metres in perpendicular length, with a minimum 6.0 metre wide access aisle.
- iii) A minimum of one barrier free parking stall shall be provided and reserved for the physically disabled. Accessibility to this parking stall shall be barrier-free, and be situated as close as practicable to the principal pedestrian entrance to the building. The barrier free parking stall shall be 3.65 metres wide and 5.6 metres in perpendicular length, with a minimum 6.0 metre wide access aisle.
- iv) A minimum of one loading space shall be provided on the Lands with dimensions of 4.0 metres in width and 13 metres in length.

12. Area Requirements

Notwithstanding the provisions of the Etobicoke Zoning Code, the following area requirements shall apply to the Lands:

- i) Landscaped Open Space: a minimum 6% of the Lands area shall be reserved for Landscaped Open Space.
- ii) Outdoor Amenity Space: a minimum of 2.0 square metres per unit of Outdoor Amenity space shall be provided based on the total number of units for both Senior Citizens' Retirement Home Facility units and three Dwelling Units.

13. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law including the provision by the owner of the Lands of the facilities, services and matters set out in section 15 hereof, to the City at the owner's sole expense and in accordance with and subject to the agreement referred to in section 14 of this By-law.
14. Upon execution and registration of an agreement or agreements with the owner of the Lands pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out section 15 hereof, the Lands are subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements.
15. The facilities, services and matters set out herein are the matters required to be provided by the owner of the Lands at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the City 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:
 - a) prior to the issuance of any above-grade building permit, the owner shall provide a cash contribution in the amount of \$150,000, to be indexed in accordance with the Construction Price Index from the time the section 37 agreement is signed to the time the benefits are received, to be allocated towards the following community benefits, with distribution to be determined by the Chief Planner and Executive Director, City Planning, in consultation with the General Manager, Parks, Forestry and Recreation and the Ward Councillor:
 - (i) improvements to the Kingsway Gate Boulevard Parkette;
 - (ii) improvements to The Kingsway boulevard fronting the subject site associated with modifications to the intersection geometry at Bloor Street West and The Kingsway; and
 - (iii) restoration, protection, stabilization, and conservation of the existing stone gates located in the Kingsway Gate Boulevard Parkette;
 - b) the owner shall provide and maintain not less than three (3) new replacement rental units within the Dwelling Units, comprising one (1) affordable rental dwelling unit and two (2) rental dwelling units with mid-range rents, as further described in subsection 15(b)(iv) and (v) respectively, which units shall consist of bachelor units of approximately 362 sq. ft., to the satisfaction of the City's Chief Planner and Executive Director, City Planning Division, subject to the following:
 - (i) the 3 replacement rental dwelling units shall be provided entirely on the Lands;

- (ii) the replacement rental dwelling units shall be maintained as rental units for at least 20 years, beginning with the date that each unit is first occupied and until the owner obtains approval for a zoning by-law amendment removing the requirement for the replacement rental units to be maintained as rental units;
 - (iii) the 3 replacement rental dwelling units shall be ready and available for occupancy no later than the date by which not more than 60% of the other units erected on the Lands are available and ready for occupancy;
 - (iv) the owner shall provide and maintain affordable rents charged to the tenant(s) who rent the 1 designated affordable replacement rental dwelling unit during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type, and, upon turn-over, the rent charged to any new tenant shall not exceed the greater of the most recently charged rent or the most recently reported Rental Market Report average rent for the City of Toronto by unit type and over the course of the 10 year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases;
 - (v) the owner shall provide and maintain rents no greater than mid-range rents charged to the tenants who rent the 2 designated replacement rental dwelling units with mid-range rents on the same basis as in subsection 15(b)(iv) except that the maximum mid-range rent shall not exceed an amount that is 1.5 times average market rent by unit type;
 - (vi) rents charged to tenants occupying an affordable replacement rental dwelling unit or a mid-range replacement rental dwelling unit at the end of the 10 year period set forth in subsection 15(b)(iv) shall be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, so long as they continue to occupy their dwelling unit or until the expiry of the rental tenure period set forth in subsection 15(b)(ii) with a phase-in period of at least three years for rent increases;
 - (vii) rents charged to tenants newly occupying a replacement rental dwelling unit after the completion of the 10 year period set forth in subsection 15(b)(iv) will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement that is required in subsection 15(g) below;
- c) the owner shall provide assistance to the existing tenants of the 10 residential rental housing units on the Lands as follows:
- (i) the owner shall provide said tenants at least 240 days prior notice of the termination of their tenancy for demolition;

- (ii) said tenants receive financial assistance above and beyond minimum compensation required under the *Residential Tenancies Act* in an additional amount equivalent to at least 5 months rent compensation; and
 - (iii) said tenants receive compensation in the amount of \$1,500 for expenses related to moving to be paid at least one month prior to vacating their unit;
 - d) prior to site plan approval, the owner shall convey to the City a road widening approximately 1.89 metres wide for future road allowance improvement purposes along the Bloor Street West frontage of the property, to the satisfaction of the Executive Director, Technical Services;
 - e) prior to the issuance of any building permit, including a demolition permit or below grade permit, the owner shall complete a Toronto Transit Commission ("TTC") Technical Review of the proposed development as applicable to the particular permit under application, and obtain the TTC's written acknowledgement that the owner has satisfied all of the conditions arising out of the review. As part of the review process, the owner shall provide the requisite information, and pay the associated review fee to the TTC.
 - f) the owner shall insert warning clauses regarding the TTC right-of-way in all offers to purchase, agreements of purchase and sale or agreements to lease, and condominium declaration document(s) for each affected residential unit, and/or lot and/or block within the proposed development. Such warning clauses shall advise of the potential for noise, vibration, smoke, particulate matter, electromagnetic interference and stray current impacts on the proposed development, and that the TTC accepts no responsibility for such effects.
 - g) the owner of the Lands shall enter into and register on title to the Lands one or more agreement with the City pursuant to Section 37 of the Planning Act, to the satisfaction of the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning Division, to secure the facilities, services and matters set forth in sections 13-15 of this By-law.
16. Within the lands shown on Schedule "A" 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 new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
17. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.

18. Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include reference to this By-law by adding the following to Section 324.1, Table of Site Specific By-laws:

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
_____ - 2009	Lands located on the north side of Bloor Street West, west of The Kingsway, municipally known as 2800 Bloor Street West.	To rezone 2800 Bloor Street West from Second Density Residential (R2) and Fourth Density Residential (R4) to Fourth Density Residential (R4) subject to site-specific development standards to permit a Senior Citizens' Retirement Home Facility containing 86 units and three dwelling units designed for seniors.

ENACTED AND PASSED this ~ day of ~, A.D. 2009.

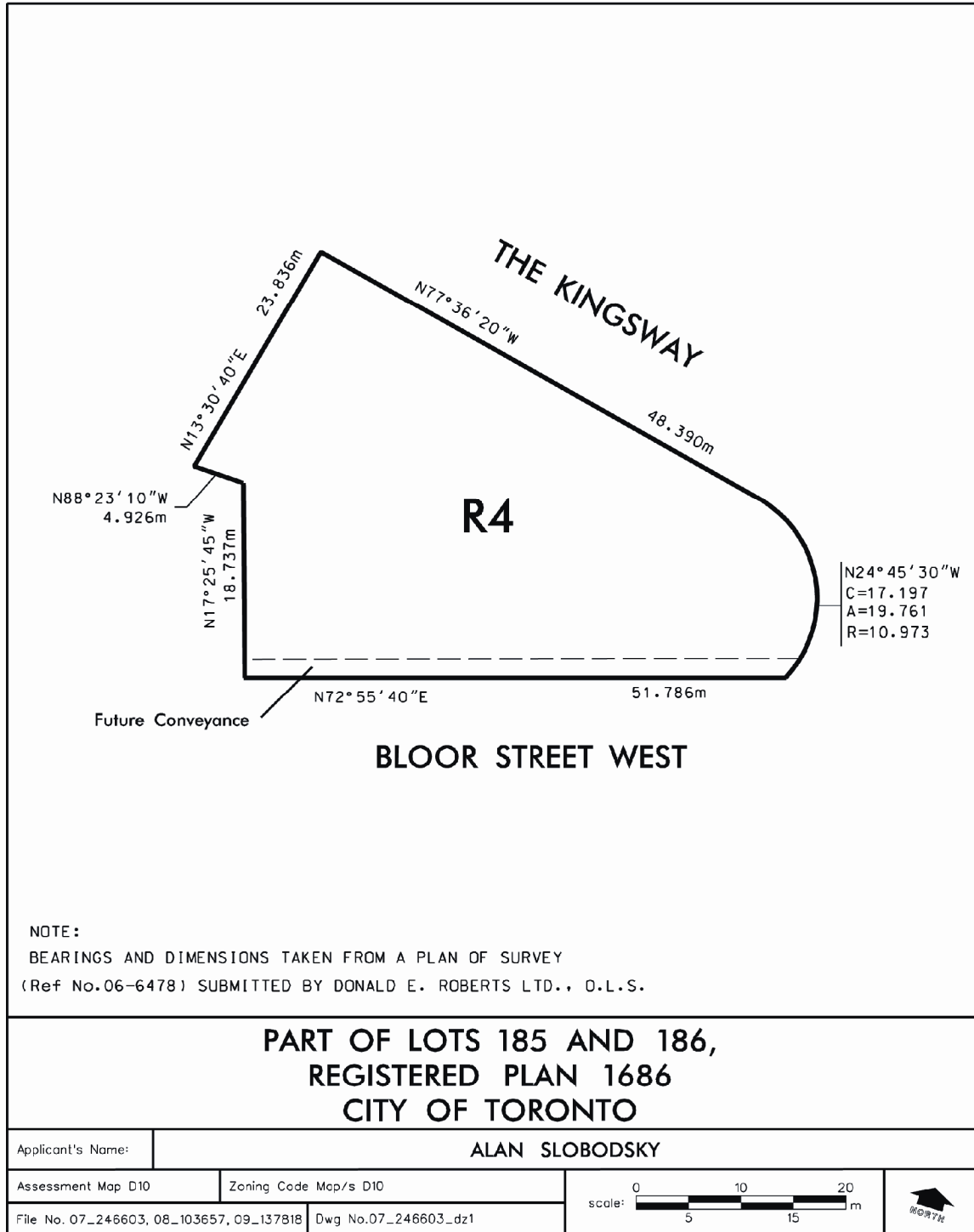
DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

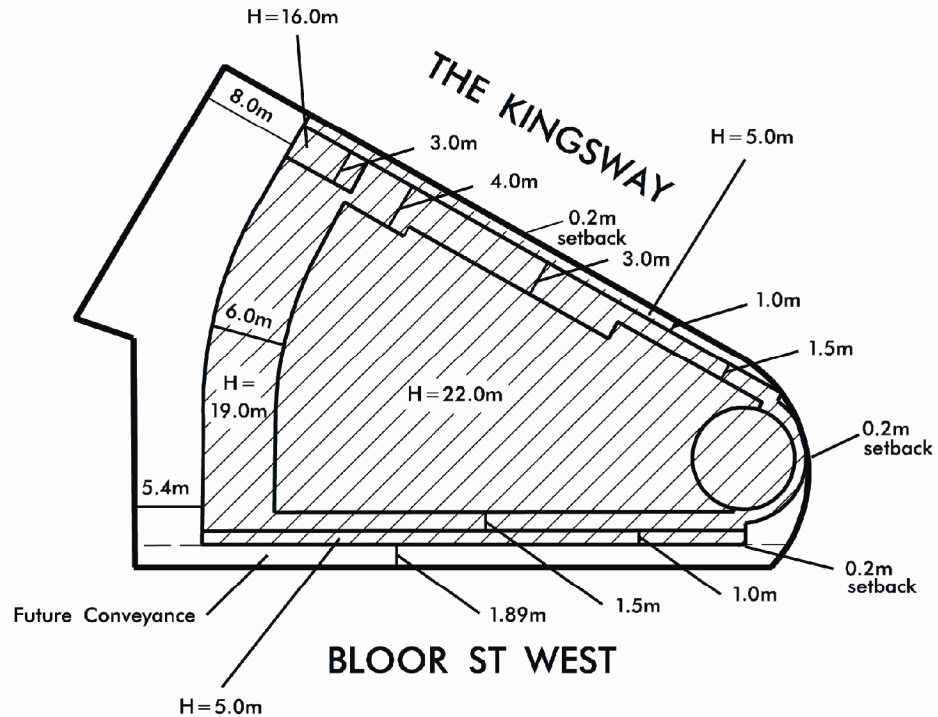


Schedule 'A' BY-LAW





Schedule 'B' BY-LAW



**PART OF LOTS 185 AND 186,
REGISTERED PLAN 1686
CITY OF TORONTO**

Applicant's Name:

ALAN SLOBODSKY

Assessment Map D10

Zoning Code Mcp/s D10

File No. 07_246603, 08_103657, 09_137818

Dwg No. 07_246603_dz2

scale: 0 10 20
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