

Authority: Etobicoke York Community Council Item 8.3 as adopted by City of Toronto Council on July 12, 13 and 14, 2011

Enacted by Council:

## CITY OF TORONTO

**Bill No. 1374**

**BY-LAW No. --2011**

**To amend the former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known as 90 Caledonia Park 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*;

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 or density of development beyond that otherwise permitted by City of Toronto By-law No. 438-86, as amended, in return for the provision of such facilities, services or matters as are set out in the by-law;

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services or matters in return for any 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;

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth;

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted on the lands by City of Toronto By-law No. 438-86, as amended, and are to be permitted subject to the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the lands and the City of Toronto;

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements to secure certain facilities, services and matters in return for the increases in *height* and density in connection with the aforesaid lands as permitted in this By-law;

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

1. This by-law applies to the lands delineated by heavy lines on Schedule A attached to and forming part of this By-law.
2. District Map No. 48J-322 in Appendix "A" of By-law 438-86, as amended, is further amended by redesignating the *lot* from I1 D1 to R2 Z1.3.
3. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, being "A By-law to regulate the use of land and the erection, use bulk, height, spacing of and

other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, shall continue to apply to the *lot*.

4. None of the provisions of Section 2(1) with respect to the definition of *grade*, *height*, *lot*, *parking space* and *rowplex* and Section 4(2), Sections 6(3) PART I 1, 6(3) PART I 2, 6(3) PART II 2, 6(3) PART II 3, 6(3) PART II 4, 6(3) PART II 5, 6(3) PART II 6, 6(3) PART II 7, 6(3) PART III 1(a), 6(3) PART VII 1, and 6(3) PART IX of By-law 438-86, as amended, shall apply to the *lot* to prevent the erection and use of *rowplexes*, a *parking garage* and *accessory* uses, included and not limited to a crash wall, thereto, provided that:
  - (a) No person shall erect or use any building or structure on the *lot* within the area shown in heavy lines on Schedule B attached to and forming part of this by-law, for a purpose other than:
    - i) *rowplexes* within the area shown as Building “A”, Building “B” and Building “C”; and
    - ii) a *parking garage* within the area shown as Building "D";
  - (b) the total number of *dwelling units* on the *lot* within the areas delineated by heavy lines and shown as Building “A”, Building “B” and Building “C” on Schedule B does not exceed 52;
  - (c) the total combined *residential gross floor area* for the *lot* does not exceed 6,750 square metres;
  - (d) no person shall erect or use a *rowplex* on the *lot* having a main exterior wall closer to the west *lot line* adjacent to the rail corridor than 25 metres;
  - (e) No person shall erect or use a *rowplex* on the *lot* having a *height* greater than 11.5 metres;
  - (f) No person shall erect or use a *parking garage* on the *lot* having a height greater than 7.5 metres above the natural or finished elevation of the ground, whichever is lower, at all points adjacent to the perimeter of the building or structure;
  - (g) No person shall erect or use a crash wall on the *lot* having a height greater than 7.5 metres above the natural or finished elevation of the ground, whichever is lower, at all points adjacent to the perimeter of the building or structure;
  - (h) a minimum of 35% of the area of *lot* shall be *landscaped open space*;
  - (i) minimum setbacks shall be in accordance with Schedule B attached to and forming part of this by-law;
  - (j) no portion of a *rowplex* erected and used above *grade* shall be located otherwise than wholly within the areas delineated by heavy lines and shown as Building “A”, Building “B” and Building “C” on Schedule B, attached to and forming part of this by-law, with the exception of front and rear entry platforms, stairs, eaves, cornices, railings, chimney breasts, bay windows, sills, light fixtures, heating or

cooling equipment, ornamental or architectural elements, window culverts, vents, and canopies;

- (k) *parking spaces* for *rowplexes* shall be provided and maintained on the *lot* in accordance with the following requirements:
- i) minimum of 0.70 *parking spaces* per bachelor *dwelling unit*;
  - ii) minimum of 0.80 *parking spaces* per one bedroom *dwelling unit*;
  - iii) minimum of 0.90 *parking spaces* per two bedroom *dwelling unit*;
  - iv) minimum of 1.10 *parking spaces* per *dwelling unit* containing three or more bedrooms;
  - v) minimum of 0.15 *parking spaces* per *dwelling unit* for the exclusive use of visitors;
- (l) No person shall erect an *accessory* building or structure or any commemorative landscape and/or entry feature on the *lot* which:
- i) is closer to any *lot line* than 1.5 metres;
  - ii) has a height greater than 5 metres above the natural or finished elevation of the ground, whichever is lower, at all points adjacent to the perimeter of the building or structure;
- (m) Except as otherwise provided herein, all words, terms or expression appearing in italics herein shall have the same meaning for the purposes of this by-law as they have for the purposes of By-law No. 438-86, as amended:

*"grade"* means natural or finished elevation of the ground, whichever is lower, at all points adjacent to the front wall of a *rowplex*.

*"height"* means the vertical distance between *grade* and the highest point of the roof.

*"lot"* means those lands delineated by heavy lines on Schedule A, attached to and forming part of this By-law.

*"parking space"* means an unobstructed area, at least 2.6 metres in width and at least 5.6 metres in length that is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another vehicle.

*"rowplex"* means one of a series of more than two buildings comprising *duplexes* and each building is divided vertically from one another by a party wall.

*"temporary sales office"* means a temporary building, structure, facility or trailer erected on the *lot* used for the purpose of the sale of the *dwelling units*.

5. None of the provisions of By-law No. 438-86, as amended, shall apply to prevent a *temporary sales office* on the *lot* as shown on Schedule A.
6. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this by-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.

## SECTION 37

7. 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 *lot* of the facilities, services and matters set out in Section 9 hereof, to the City at the owner's sole expense and in accordance with and subject to the agreement referred to in Section 9 of this By-law.
8. Upon execution and registration of an agreement or agreements with the owner of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out Section 9 hereof, the *lot* 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.
9. 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 in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the City and such agreement(s) shall be registered against title to the lot as outlined in heavy lines on Schedule A to secure the following facilities, services or matters:
  - i. Prior to the issuance of the first above grade building permit, the *owner* shall provide a cash payment of \$1,200 per unit to the City of Toronto as a contribution towards improvements to EarlsCourt Park included but not limited to the construction of an amphitheatre, streetscaping and/or other improvements. The cash payment shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the agreement pursuant to Section 37(3) of the *Planning Act*.
  - ii. The *owner* shall provide an maintain a publicly accessible open space at the south-east corner of the *lot* with a minimum area of 120 square metres, provided that:
    - a) The final configuration and design is subject to the development review process contemplated by Section 114 of the City of Toronto Act, 2006;
    - b) The use of which by the public shall be limited to reasonable restrictions as set out in the Section 37 Agreement; and
    - c) No structures with enclosing walls will be permitted along the Caledonia Park Road frontage.
  - iii. The Owner shall provide a commemorative landscape and/or entry feature as part of the publicly accessible open space, provided that:
    - a) The final design and configuration of the feature shall be to the satisfaction of the Ward Councillor in consultation with the Chief Planner, secured by a letter of credit in the amount of \$35,000 to cover the approximate cost of the feature, such letter of credit to be provided prior to Site Plan Approval;

- b) The *owner* shall construct the commemorative landscape and/or entry feature prior to condominium registration;
- c) The *owner* shall maintain the commemorative landscape and/or entry feature; and
- d) Prior to condominium registration, the *owner* shall demonstrate to the satisfaction of the Chief Planner and Executive Director, City Planning Division that the owner has expended a minimum amount of \$35,000 towards the construction and design of the above commemorative landscape entry feature.

Notwithstanding the foregoing, the *owner* and the City may modify or amend the said agreement(s), from time to time and upon the consent of the City and the owner, without further amendment to those provisions of this zoning by-law which identify the facilities, services and matters to be secured.

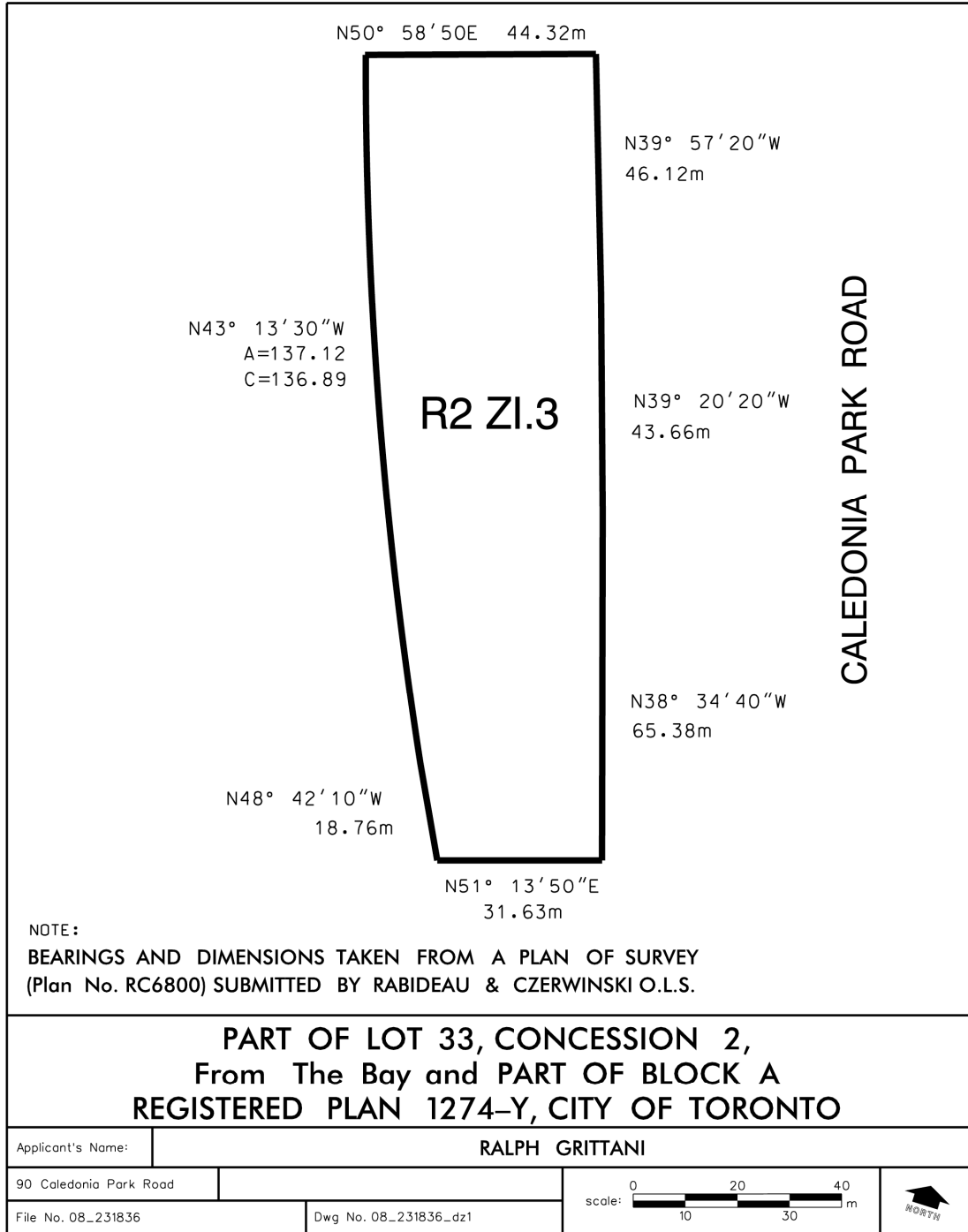
10. Within the lands shown on Schedule A attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed 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.

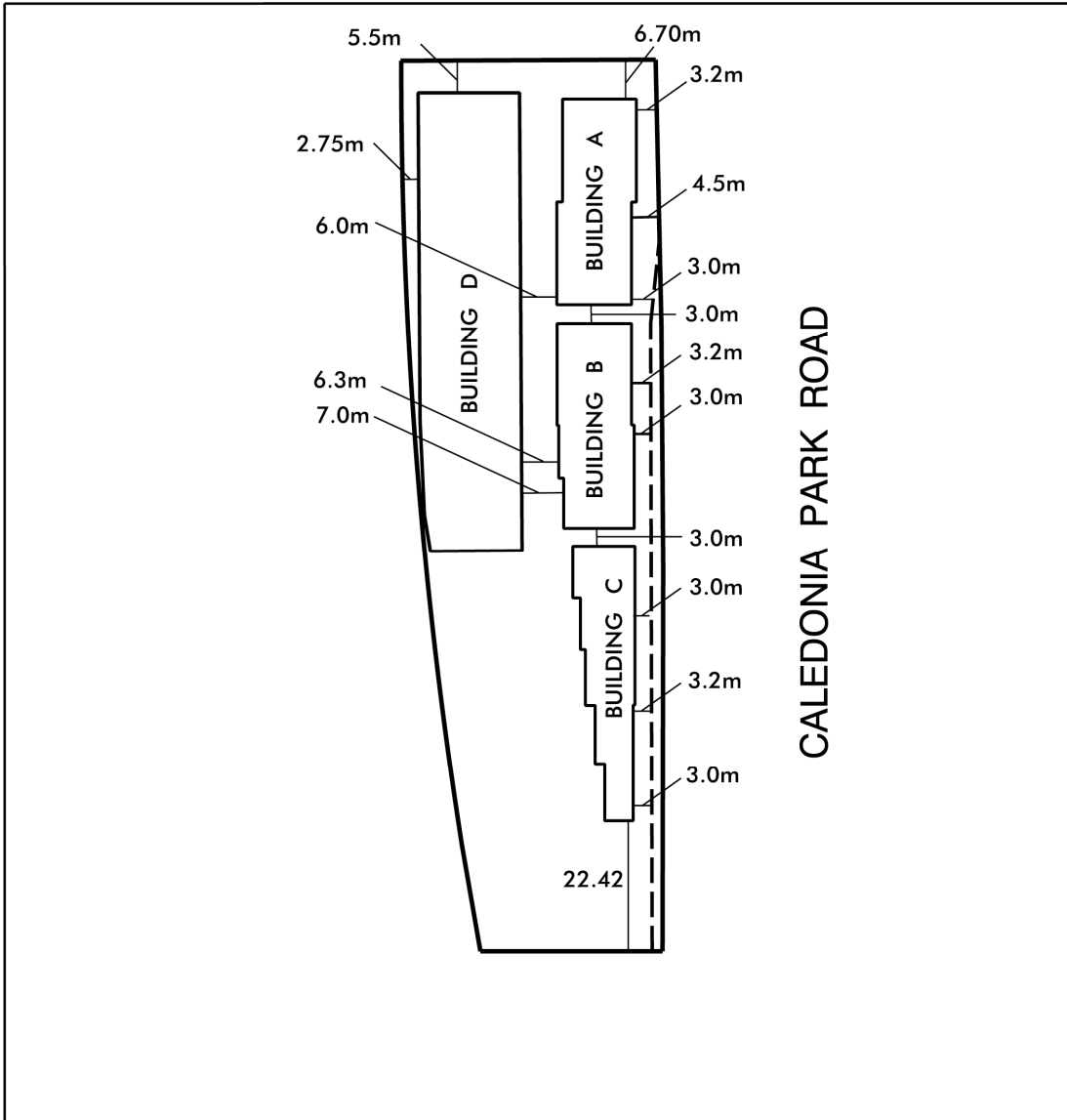
ENACTED AND PASSED this        th day November, 2011.

FRANCES NUNZIATA,  
Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)





**PART OF LOT 33, CONCESSION 2,  
From The Bay and PART OF BLOCK A  
REGISTERED PLAN 1274-Y, CITY OF TORONTO**

Applicant's Name:	RALPH GRITTANI		
90 Caledonia Park Road			scale:  0 10 20 30 40 m
File No. 08_231836	Dwg No. 08_231836_dz2		