

Authority: Etobicoke York Community Council Item EY34.2, as adopted by City of Toronto Council on July 8, 9, 10 and 11, 2014 and Etobicoke York Community Council Item EY11.51, as adopted by City of Toronto Council on February 3 and 4, 2016

CITY OF TORONTO

Bill No. 112

BY-LAW No. -2016

To amend the former City of Etobicoke Zoning Code and By-law No. 1088-2002, as amended, with respect to the lands municipally known as 64 - 70 Cordova Avenue.

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;

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

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 or 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 matter 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 and matters in return for an increase in the height or density of development, a 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 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 No. 1088-2002, 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. Notwithstanding the sections as identified below of the Etobicoke Zoning Code and Zoning By-law No. 1088-2002, the following provisions shall apply to the lands described on Schedule 'A' attached hereto. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code or By-law No. 1088-2002, the provisions of this By-law shall apply.
2. For the purpose of this By-law, the following definitions shall have the same meaning as they have for the purpose of the section 304-3 of the Etobicoke Zoning Code and By-law No. 1088-2002, as amended, except as herein provided:

- (a) "Base Building" shall mean, with reference to Schedule 'B', the portions of the Development Phase shown on that Schedule which are less than or equal to 20 metres in height;
 - (b) "Building Envelope" shall mean the area shown within the heavy lines on Schedule 'B' to this By-law and the Building Envelope shall include residential canopies;
 - (c) "Development Phase" shall mean that portion of the Lands as shown on Schedule 'B';
 - (d) "Grade" shall mean the Canadian Geodetic Datum 122.9 metres above sea level;
 - (e) "Gross Floor Area" shall have the same meaning as in Zoning By-law No. 1088-2002, with the following additional areas excluded: storage lockers and above and below grade bicycle parking spaces;
 - (f) "Height" shall mean the vertical distance between grade and highest point of the roof surface of the building;
 - (g) "Lands" shall mean the parcel of land outlined by heavy lines on Schedule 'A' attached hereto;
 - (h) "Minor Projections" shall mean the same as in Zoning By-law No. 1088-2002, plus entrance canopies, terraces, and stairs shall be "Minor Projections" except that the permission for Minor Projections is increased such that the maximum permitted projection shall be 3.0 metres beyond the Building Envelope;
 - (i) "Outdoor Amenity Space" shall mean the amenity space provided for the common private enjoyment of residents within the development at grade or on a rooftop of the base building which may be up to 12 metres above grade;
 - (j) "Below Grade Development Phase" shall mean that below-grade portion of the Lands as shown on Schedule 'C';
 - (k) "Pedestrian Connection" shall mean a staircase and accessible ramp between the Lands and the sidewalk on the west side of Islington Avenue; and
 - (l) "Tower Elements" means, with reference to Schedule 'B', the portions of a Development Phase above 20 metres in height.
3. Notwithstanding Section 3C of Zoning By-law No. 1088-2002, non-residential uses listed in Section 3A(ii) 3A(iii) of By-law No. 1088-2002 shall also be permitted on the Lands.
4. Notwithstanding Section 4 of Zoning By-law No. 1088-2002, the maximum Gross Floor Area permitted on the Lands shall be 90,000 square metres. The maximum Gross Floor Area permitted within each Development Phase shall be as follows:

- (a) Development Phase 1: 34,000 square metres;
 - (b) Development Phase 2: 28,000 square metres; and
 - (c) Development Phase 3: 29,000 square metres, including a minimum of 550 square metres of non-residential Gross Floor Area required to be provided on the ground floor of the building.
5. Notwithstanding Section 5 of By-law No. 1088-2002, for the purposes of this By-law, the maximum heights permitted within the Building Envelope in metres above grade shall be as shown on Schedule 'B', with the exception of eaves, cornices, curbs, lighting fixtures, awnings, railings, architectural features, parapets, trellises, balustrades, window sills, permanent window washing equipment, privacy screens, mechanical and architectural screens, guardrails, chimneys, vents, stacks, terraces, platforms, transformer vaults, wheelchair ramps, retaining walls, landscape features, ornamental structures, mechanical equipment, mechanical penthouse, walkways, stairs, covered stairs and or stair enclosures associated with an entrance or exit from an underground parking garage, underground garage ramps and their associated structures, stair landings, planters, and public art features, elevator overruns and elements or structures on the roof of the building used for outside or open air recreation, green roof, safety or wind protection purposes up to a maximum height of 6.0 metres above the height limits shown on Schedule 'B'.
6. Notwithstanding Section 6 of By-law No. 1088-2002, for the purposes of this By-law, the following setbacks and floor plate restrictions shall apply:
- (a) No building or structure, including residential entrance canopies as indicated, shall be located other than within the Building Envelope shown on Schedule 'B';
 - (b) Notwithstanding Section 6(a) of this By-law, below grade structures including underground parking structures and access stairs, and other Minor Projections may project beyond the boundaries of the Building Envelope;
 - (c) The maximum Floor Plate Area for the Tower Elements shall be 750 square metres; and
 - (d) Notwithstanding Section 6(c) of this By-law, the maximum Floor Plate Area for the Tower Element shall be 675 square metres above the following heights above grade:
 - (i) Development Phase 1: 117 metres;
 - (ii) Development Phase 2: 93 metres; and
 - (iii) Development Phase 3: 102 metres;
- and the minimum separation distance between the building face of Tower Elements shall be 30 metres.
7. Notwithstanding Section 7(ii) of Zoning By-law No. 1088-2002, for the purposes of this By-law the following Landscaped Open Space and Outdoor Amenity Space requirements shall apply:

- (a) Upon completion of all Development Phases, a minimum of 18 percent of the area of the Lands shall be reserved for Landscaped Open Space; and
- (b) A minimum of 1.5 square metres per dwelling unit shall be provided as Outdoor Amenity Space. All Outdoor Amenity Space required for residential dwelling units in a Development Phase shall be provided within the Development Phase.
8. Notwithstanding Section 7(iii) of Zoning By-law No. 1088-2002, Indoor Amenity Space shall be provided at a rate of 1.5 square metres per dwelling unit in accordance with the following:
- (a) All Indoor Amenity Space required for residential units in a Development Phase shall be provided within the Development Phase; and
- (b) Notwithstanding (a) above, Indoor Amenity Space that is surplus to the requirements of a constructed Development Phase may be used to satisfy Indoor Amenity Space of a separate Development Phase provided that:
- (i) A minimum 200 square metres is provided in each Development Phase; and
- (ii) The surplus Indoor Amenity Space being used to satisfy the requirements is contiguous to the Indoor Amenity Space being provided within a Development Phase and accessible by residents of any Development Phase.
9. Notwithstanding Section 8(i) of Zoning By-law No. 1088-2002, vehicle parking shall be provided on the Lands as follows:
- (a) Upon completion of all Development Phases, parking for residential uses shall be provided on the Lands in accordance with the following table:

Unit Type	Minimum per Unit	Maximum per Unit
Bachelor	0.6 vehicle spaces	0.9 vehicle spaces
1 Bedroom	0.7 vehicle spaces	1.05 vehicle spaces
2 Bedroom	0.9 vehicle spaces	1.35 vehicle spaces
3 Bedroom	1.0 vehicle spaces	1.5 vehicle spaces

- (i) A minimum of 0.1 parking spaces per unit shall be provided and reserved for visitor parking spaces;
- (ii) A minimum of 2 parking spaces shall be provided for each 100 square metres of Gross Floor Area of permitted non-residential uses;
- (iii) All parking spaces required for residential units contained in a Development Phase shall be provided within in a below grade parking structure in the numerically corresponding Below Grade Development Phase as shown on Schedule 'C';

- (iv) Notwithstanding (iii) above, surplus parking spaces in a constructed Development Phase may be used to satisfy visitor or residential parking requirements of a separate Development Phase; and
 - (v) Visitor Parking required for a Development Phase may be provided outside of a Development Phase on the Lands in a temporary surface parking lot to a maximum of 20 parking spaces;
- (b) Notwithstanding Section 8(ii) of By-law No. 1088-2002, up to 50 percent of the required residential visitor parking requirement of this By-law can be shared with and used to satisfy the parking requirements for Non-residential uses within the same Development Phase;
- (c) Notwithstanding Section 8(iii) of By-law No. 1088-2002, Bicycle Parking shall be provided on the Lands as follows:
- (i) Residential: 0.75 bicycle parking spaces for each dwelling unit in a Development Phase of which 0.68 bicycle parking spaces shall be used for residential occupants and 0.07 bicycle parking spaces shall be used for residential visitor to a maximum of 750 bicycle parking spaces;
 - (ii) All bicycle parking spaces required for residential units contained in a Development Phase shall be provided within the boundaries of the Development Phase at grade, within the first two storeys of the building or in the first level of the below grade parking structure;
 - (iii) Bicycle Parking spaces provided in Development Phase 3 for the purposes of visitor bicycle parking as required by 9(c)(i) above shall also be accessible for non-residential uses on the Lands; and
 - (iv) Notwithstanding 9(c)(iii) above, surplus bicycle parking spaces in a constructed Development Phase may be used to satisfy visitor or residential bicycle parking requirements of a separate Development Phase provided the location of bicycle parking spaces are accessible by residents of the Development Phase;
- (d) Notwithstanding Section 8(v) of By-law No. 1088-2002, all vehicular access shall be taken from Mabelle Avenue; and
- (e) All loading spaces required by Zoning By-law No. 1088-2002 shall be provided within Development Phase 2. Notwithstanding this requirement, until such time as Development Phase 2 is constructed, a temporary loading space servicing Development Phase 1 may be permitted outside of the boundaries of Development Phase 1 provided it is suitably located and screened from public streets with appropriate landscaping and fencing.

10. Pursuant to Section 37 of the *Planning Act* and subject to compliance with this

By-law, the increase in height and density of development on the Land contemplated herein is permitted in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Schedule 'D' hereof as secured by, and subject to, 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.

11. Where Schedule 'D' 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.
12. 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 'D' are satisfied.
13. Notwithstanding any severance, partition or division of the Lands shown on Schedule 'A', the regulations of this By-law shall continue to apply to the whole of the Lands as if no severance, partition or division had occurred.
14. Within the Lands shown on Schedule 'A' attached to this By-law, for each Development Phase as shown on Schedule 'B', 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 prior to the release of first above grade building permit:
 - (a) All water mains and sanitary sewers, and appropriate appurtenances, have been installed to the lot line.

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF THE PROPERTY	PURPOSE OF THE BY- LAW
XXXX-2016 _____, 2016	Lands located at the south east corner of the intersection of Cordova Avenue and Mabelle Avenue.	To provide site specific development standards to permit a mixed –use development at 64 – 70 Cordova Avenue.

Enacted and passed on February , 2016.

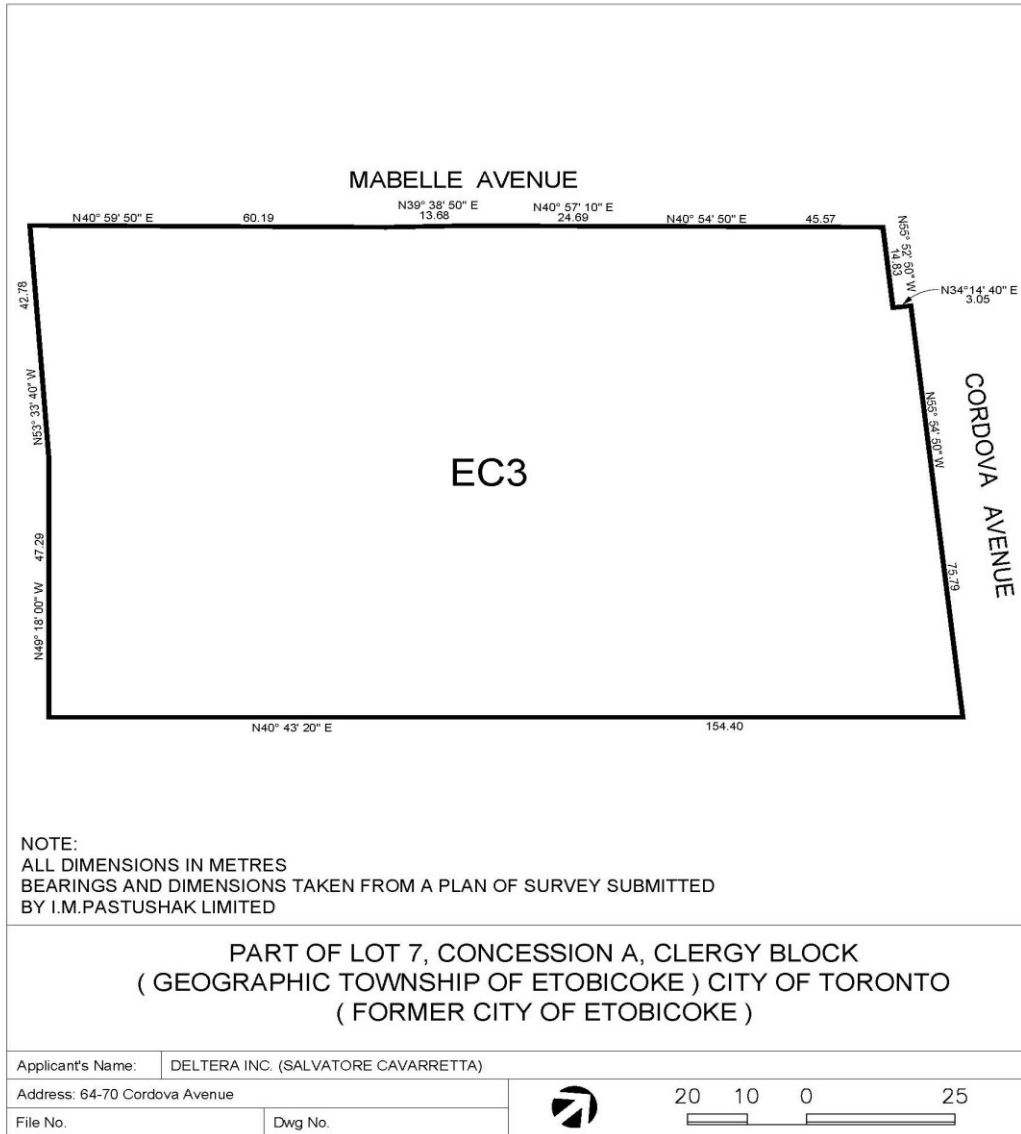
Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

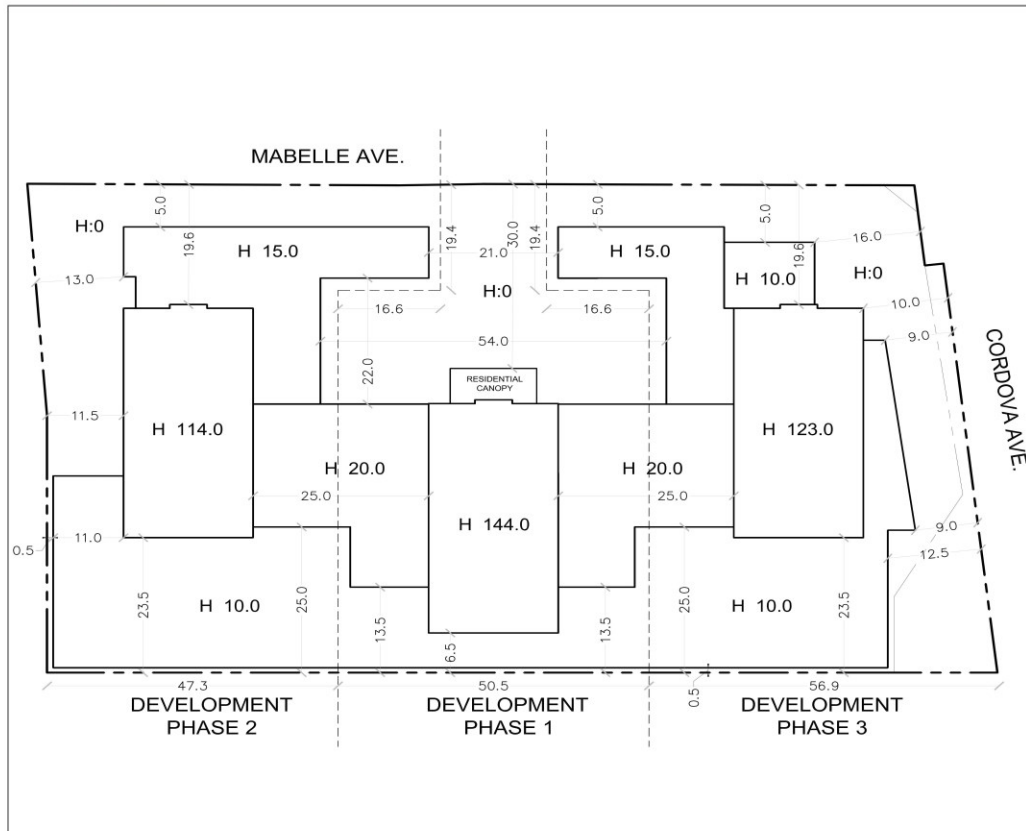


Schedule 'A' BY-LAW





Schedule 'B' BY-LAW



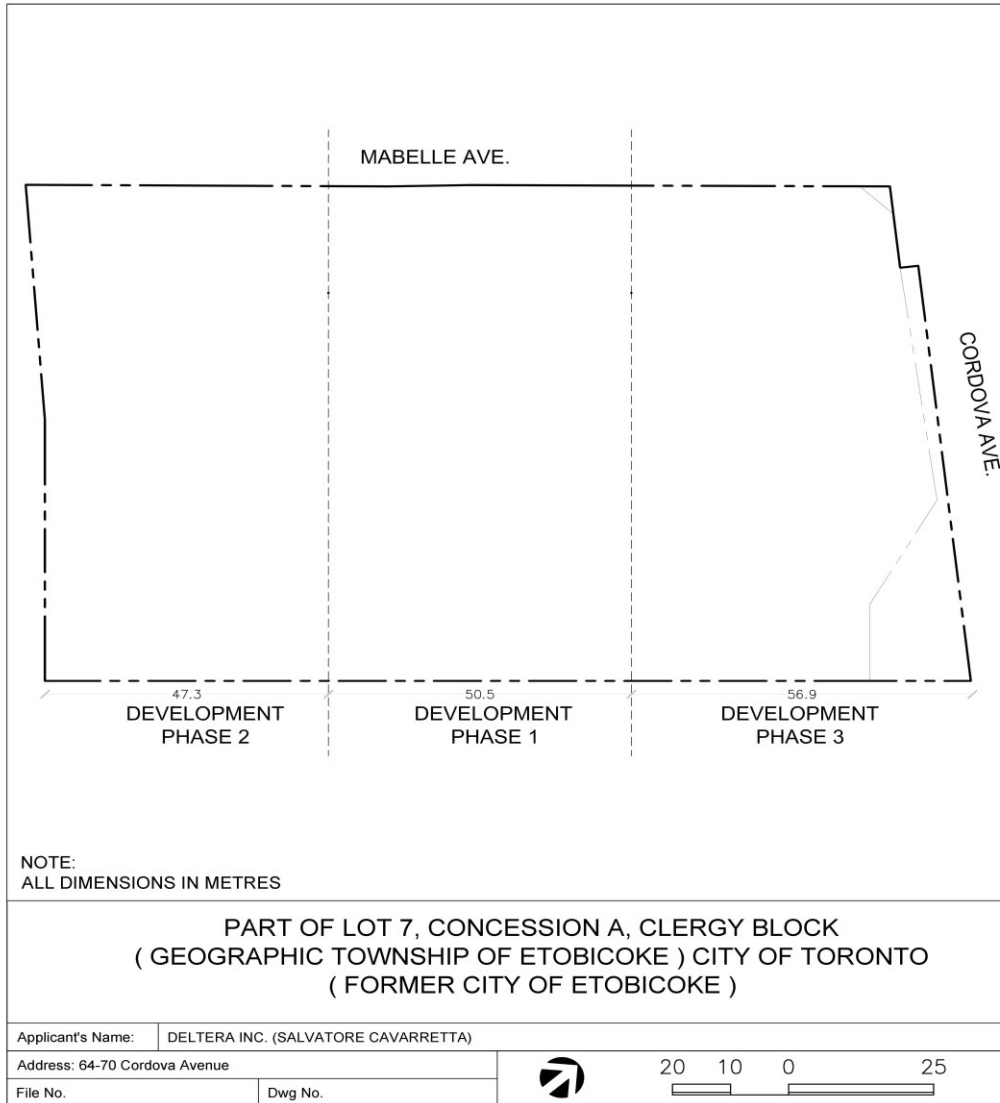
NOTE:
ALL DIMENSIONS IN METRES

PART OF LOT 7, CONCESSION A, CLERGY BLOCK
(GEOGRAPHIC TOWNSHIP OF ETOBICOKE) CITY OF TORONTO
(FORMER CITY OF ETOBICOKE)

Applicant's Name:	DELTERA INC. (SALVATORE CAVARRETTA)		
Address:	64-70 Cordova Avenue		
File No.	Dwg No.		



Schedule 'C' BY-LAW



SCHEDULE 'D'

Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the Lands as secured by, and subject to, an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

- (1) Prior to issuance of an above grade building permit, other than building permit for a temporary sales office for construction on Development Phase 1, the owner shall construct or provide financial security for enhanced streetscape and landscape treatments related to the construction of the proposed pedestrian connection to Islington Avenue, to a minimum value of \$250,000.
- (2) Prior to issuance of an above grade building permit other than building permit for a temporary sales office for construction on Development Phase 1 the owner shall provide a cash contribution in the amount of \$400,000 towards the capital rehabilitation and upgrading of the Toronto Community Housing Corporation (TCHC) buildings at 4995 Dundas Street West and 57 Mabelle Avenue and/or common amenity space upgrades at 4995 Dundas Street West and 57 Mabelle Avenue and/or the proposed new YMCA at Westwood/6 points or Mabelle Parkette.
- (3) Prior to issuance of an above grade building permit other than building permit for a temporary sales office for construction on Development Phase 1 the owner shall provide a cash contribution in the amount of \$925,000 to be directed in consultation with the Ward Councillor as follows:
 - A. \$350,000 towards the capital rehabilitation and upgrading of the Toronto Community Housing Corporation (TCHC) buildings at 4995 Dundas Street West and 57 Mabelle Avenue; and
 - B. \$575,000 towards the capital needs of a future YMCA facility proposed to be located on the former Westwood Theatre lands and/or towards the installation of a proposed Westwood Park in the 6-Points area.
- (4) The financial contributions of this Schedule "D" shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
- (5) In the event the cash contributions referred to in Sections (1) or (2) of this Schedule "D" have not been used for the intended purposes within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the Lands.

- (6) The owner shall construct and maintain the development in accordance with the Tier 1 performance measures of the Toronto Green Standard.
- (7) The owner shall convey a public access easement over the open space adjacent to Cordova Avenue to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor to facilitate access over the lands to the pedestrian connection to Islington Avenue.