

Authority: North York Community Council Item NY29.2, as adopted by City of Toronto Council on April 24, 25, 26 and 27, 2018

CITY OF TORONTO

Bill 618

BY-LAW -2018

To amend former City of North York Zoning By-law 7625, as amended, with respect to the lands municipally known as 71-75 Curlew Drive.

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 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. Schedules "B" and "C" of By-law 7625 of the former City of North York are amended in accordance with Schedule 1 of this By-law.
2. Section 64.19 of By-law 7625 is amended by adding the following subsection:

"64.19 (33) RM4 (33)"

- (a) notwithstanding any other provisions of By-law 7625 to the contrary, the following provisions shall apply to the site subject to this By-law:

DEFINITIONS

For the purposes of this exception, the following definitions shall have the following meaning:

- (b) "established grade" shall mean 155.90 metres Canadian Geodetic Datum;
- (c) "apartment house dwelling" shall mean a building containing more than four (4) dwelling units, with at least one dwelling unit entirely or partially above another, and each dwelling unit has a separate access externally or from a common area/corridor; and may be located partially below established grade;
- (d) "temporary sales office " shall mean a building on these lands that is permitted for a period of 3 years beginning from the date of the passing of By-law ##### [City Clerks to provide By-law #], and used for the purposes of marketing and sale of the dwelling units permitted on these lands, and no other provision of this By-law applies to prevent a temporary sales office;
- (e) "bicycle parking space – residential" shall mean an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles, and:
 - (i) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (ii) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
 - (iii) in the case of a bicycle rack or locker, is located in a secured room or area; and
 - (iv) if a stacked bicycle parking space is provided, the minimum vertical clearance for each bicycle parking space is 1.2 metres;
- (f) "bicycle parking space – visitor" shall mean means an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles:
 - (i) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (ii) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
 - (iii) may be located indoors or outdoors including within a secured room or enclosure; and
 - (iv) if a stacked bicycle parking space is provided, the minimum vertical clearance for each bicycle parking space is 1.2 metres;

PERMITTED USES

- (g) for the lands shown as RM4 (33) on Schedule 1, the only permitted uses shall be apartment house dwellings and uses accessory thereto, and a temporary sales office;

EXCEPTION REGULATIONS

MAXIMUM GROSS FLOOR AREA

- (h) notwithstanding Section 19.3.5, the maximum gross floor area shall not exceed 20,765 square metres;

MAXIMUM NUMBER OF DWELLING UNITS

- (i) the permitted maximum number of dwelling units is 222;

YARD SETBACKS

- (j) notwithstanding Section 19.3.4, the minimum yard setbacks for all buildings and structures above finished ground shall be as shown on Schedule RM4 (33);
- (k) no part of any building or structure erected or used above finished ground level shall be located otherwise than wholly within the area delineated by the heavy lines of Schedule RM4 (33);
- (l) notwithstanding Section 6(9) of the By-law and except where a heavy line on Schedule RM4 (33) is contiguous with a boundary of the site, nothing in Section 6(9) shall prevent the following building elements or structures from projecting into the minimum front yard setback, side yard setback, or distance between buildings as shown on Schedule RM4 (33):
 - (i) decks, porches, and platforms, to a maximum of 1.5 metres;
 - (ii) awnings and canopies to a maximum of 1.5 metres;
 - (iii) architectural features, masonry features and eaves to a maximum of 0.9 metres;
 - (iv) balconies to a maximum of 1.5 metres;
 - (v) window projections and bay windows to a maximum of 0.6 metres;
 - (vi) vents and pipes to a maximum of 0.6 metres; and
 - (vii) ornamental non-structural window frames to a maximum of 1.1 metres;

- (m) notwithstanding Section 6(9) of the By-law and except where a heavy line on Schedule RM4 (33) is contiguous with a boundary of the site, nothing in Section 6(9) shall prevent the following building elements or structures from projecting into the minimum side yard setback or distance between buildings as shown on Schedule RM4 (33):
 - (i) Exterior stairs, pedestrian access ramp and elevating device up to a maximum of 1.5 metres;

- (n) notwithstanding Section 6(9) of the By-law and except where a heavy line on Schedule RM4 (33) is contiguous with a boundary of the site, nothing in Section 6(9) shall prevent the following building elements or structures from projecting into the minimum rear yard setback, as shown on Schedule RM4 (33):
 - (i) non-structural awnings and canopies to a maximum of 1.5 metres;
 - (ii) exterior stairs and pedestrian access ramps providing access to the below grade level up to a maximum of 1.5 metres;
 - (iii) non-structural architectural features, masonry features and eaves to a maximum of 0.9 metres;
 - (iv) vents and pipes to a maximum of 0.6 metres;
 - (v) non-structural railings to a maximum of 0.5 metres; and
 - (vi) non-structural ornamental cladding and non-structural window frames to a maximum of 1.1 metres;

- (o) notwithstanding Section 19.3.4, the minimum front yard setback, side yard setback and rear yard setback for an underground parking garage may be 0.0 metres;

BUILDING HEIGHT

- (p) notwithstanding Section 19.3.6, the building height, of all buildings, on the lot shall not exceed the maximum height in metres, following the letters HT as shown on Schedule RM4 (33) with the exception of the following:
 - (i) External elevating devices, external stairs and associated enclosures, garbage enclosures, all located at the finished ground level, guardrails, balustrades, and railings leading to an underground parking garage to a maximum of 5.0 metres; and
 - (ii) Privacy screens, utility enclosures, and parapets on the roof of a **building** to a maximum of 1.5 metres.

RECREATIONAL AMENITY AREA

- (q) recreational amenity space will be provided in accordance with the following minimum requirements:
 - (i) A minimum of 600 square metres of outdoor recreational amenity area is required; and
 - (ii) A minimum of 111.5 square metres of indoor recreational amenity area is required;

DISTANCE BETWEEN BUILDINGS

- (r) the minimum distance between buildings or portions thereof shall be as shown on RM4 (33);

REQUIREMENTS FOR ACCESSORY BUILDINGS

- (s) notwithstanding Section 6(23) of By-law 7625, as amended, accessory buildings and structures are permitted;

PARKING

- (t) Notwithstanding Section 6A(2), parking spaces for apartment house dwellings shall be provided and maintained in accordance with the following minimum requirements:
 - (i) 200 parking spaces for the residents of the dwelling units; and
 - (ii) 33 parking spaces for visitors of the dwelling units;

BICYCLE PARKING SPACES

- (u) bicycle parking spaces shall be providing within the site in accordance with the following requirements for 222 dwelling units:
 - (i) Bicycle parking spaces - Resident: a minimum of 153 bicycle parking spaces shall be provided; and
 - (ii) Bicycle parking spaces - Visitor: a minimum of 16 bicycle parking spaces shall be provided.

LANDSCAPED OPEN SPACE

- (v) notwithstanding Section 15.8 (a-c) a minimum of 5,800 square metres of landscaped open space, which is inclusive of paths, patios, walkways, permeable pavers, and soft landscaping, shall be provided on the lot;

SECTION 37

- (w) 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 by the owner, at the owner's expense of the facilities, services, and matters set out in Schedule A 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;
- (x) where Schedule A 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 depended on satisfaction of the same;
- (y) 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 A are satisfied;

LAND DIVISION

- (z) notwithstanding any existing or future severance, partition, or division of the site, the provisions of this By-law shall continue to apply to the whole of the site as if no severance, partition, or division occurred; and

PROVISIONS NOT APPLICABLE

- (aa) the provisions of Section 6A(5)(b)(vii), 6A(8)(e), 6A(16)(c)(i), 6(23)(a)(i)(C), 6(23)(a)(ii)(C), 6(23)(a)(iv), 6(24)(a), 6(24)(d)(ii), 19.3.2, 19.3.3, 19.3.4, 19.3.5 and 19.3.6 and shall not apply.
3. Within the lands shown on Schedule 1 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 provision is complied with:
 - (a) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operations.
 4. Section 64.19 of By-law 7625 is amended by adding Schedule RM4 (33) attached to this By-law.

Enacted and passed on May , 2018.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

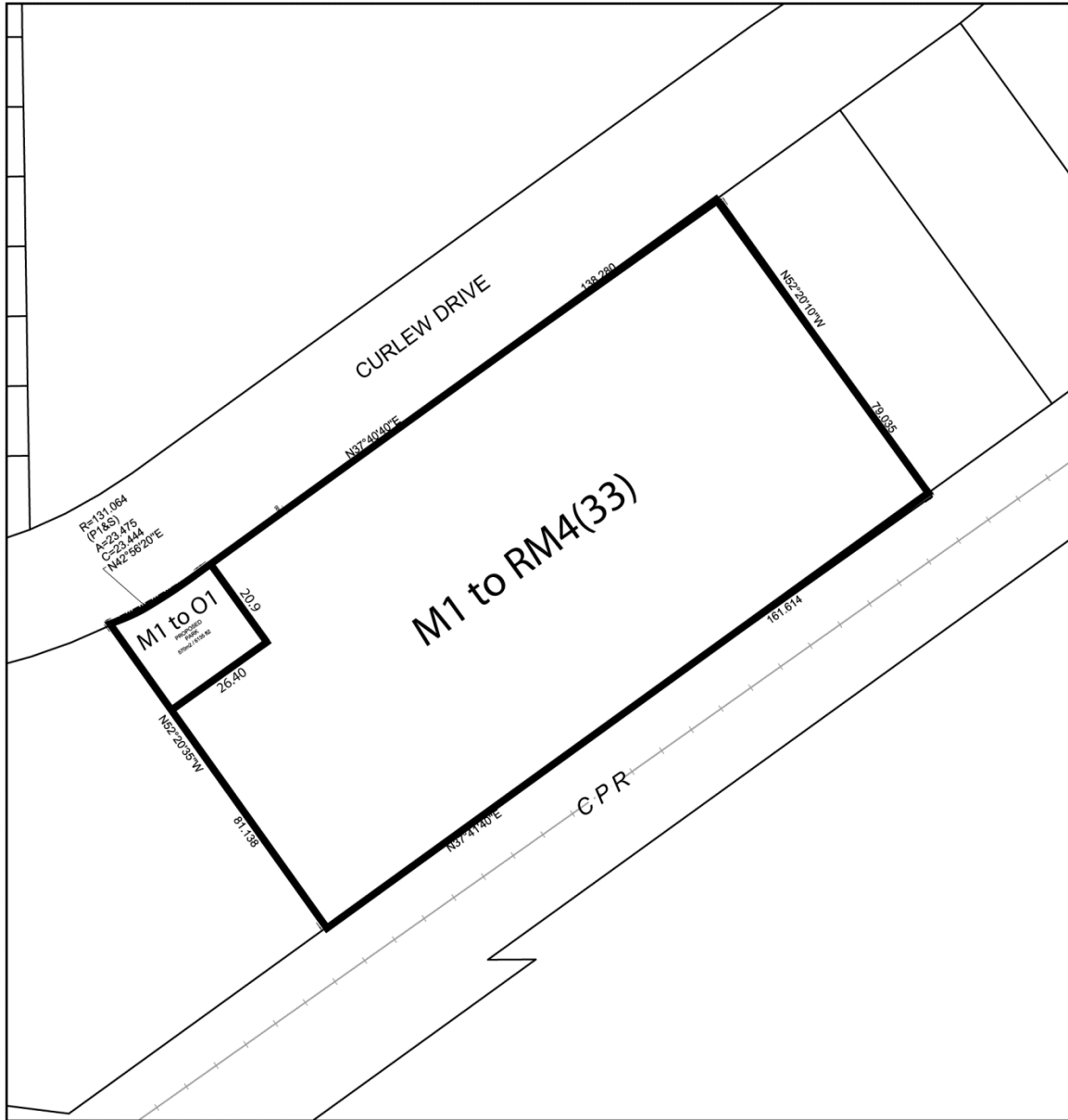
Schedule A
Section 37 Provisions

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 density of the proposed development on the lands as shown in Schedule 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

- i. Prior to the issuance of the first above-grade building permit the Owner shall provide a contribution in the amount of \$750,000 to be used towards park improvements at Broadlands Park, including the construction of a new splash pad and pathway improvements;
- ii. The financial contribution referred to in subsection .i shall be indexed upwardly in accordance with the Statistics Canada Non-Residential or Apartment-Building-Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made; and
- iii. In the event the cash contribution referred to in Section i has not been used for the intended purpose 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 purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

- i. Prior to the issuance of Notice of Approval Conditions for the Site Plan application, the Owner shall submit a revised rail safety study/ derailment plan, for peer review by the City's peer reviewer, and to the satisfaction of the Chief Planner and Executive Director of City Planning and shall incorporate all measures into the plans and drawings submitted in the context of site plan approval pursuant to s114 of the City of Toronto Act, 2006, as amended, and s.41 of the Planning Act, as amended and as applicable; and
- ii. In the event that the proposed grade alterations are not accepted by CP rail, the Owner acknowledges that redesign of the grading and servicing requirements may be required. In this regard the Owner acknowledges that revisions to the built form of the Development may be required together with the new zoning application to accomplish a redesign of the proposed grading and servicing approach.



71-75 Curlew Drive

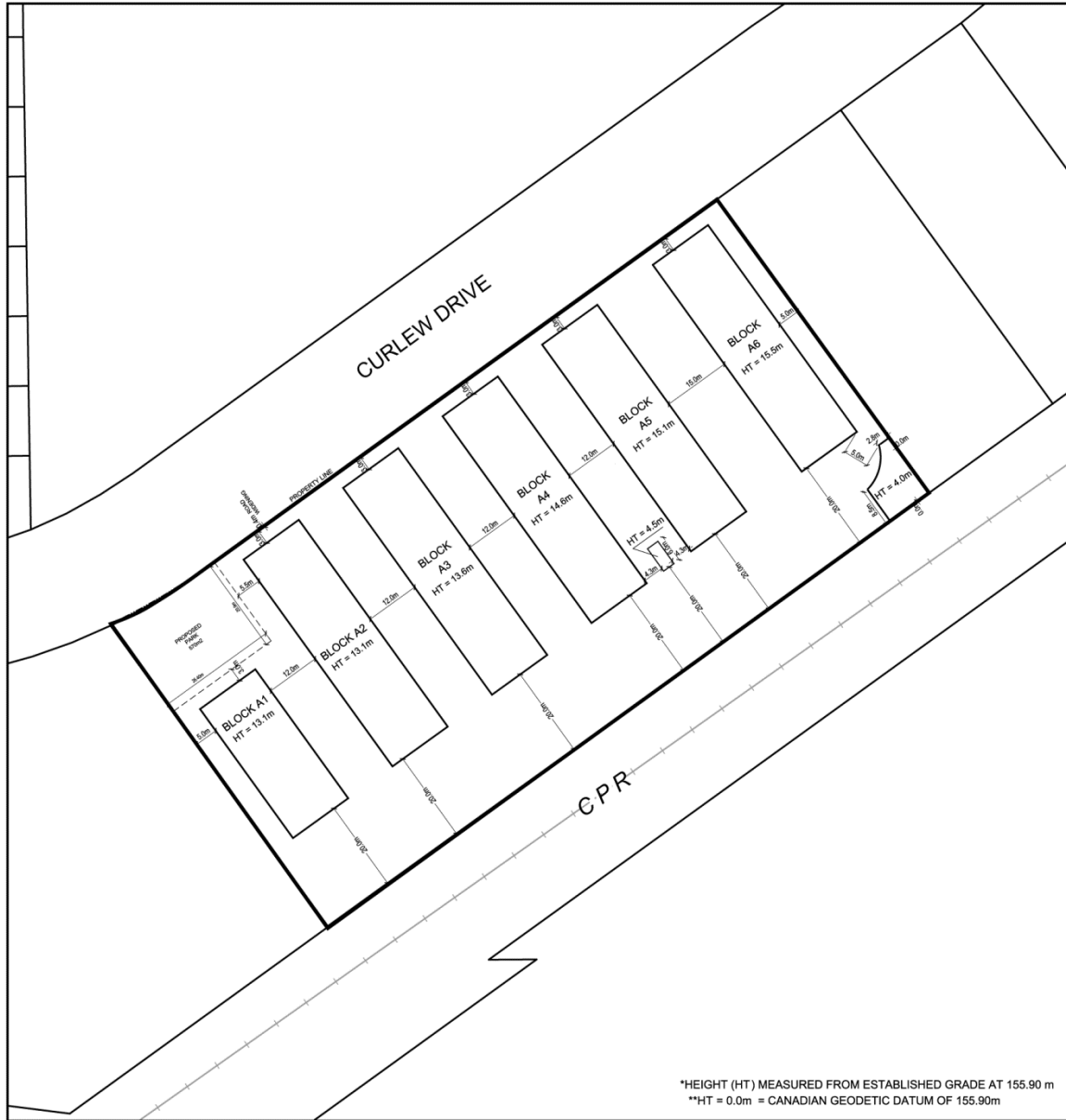
Schedule 1



File # 17 145887 NNY 34 0Z

Date: 03/16/2018
Approved by:

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Not to Scale



*HEIGHT (HT) MEASURED FROM ESTABLISHED GRADE AT 155.90 m
 **HT = 0.0m = CANADIAN GEODETIC DATUM OF 155.90m

71-75 Curlew Drive

RM4 (33)



File # 17 145887 NNY 34 0Z

Date: 03/16/2018
Approved by: V.M.

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Not to Scale