

Authority: North York Community Council Item 36.79, adopted as amended, by City of Toronto Council on August 25, 26 and 27, 2010 and Motion MM3.4, moved by Councillor Stintz, seconded by Councillor Parker, adopted as amended, by City of Toronto Council on February 7 and 8, 2011

Enacted by Council: February 8, 2011

CITY OF TORONTO

BY-LAW No. 240-2011

To amend the General Zoning By-law No. 438-86, as amended, of the former City of Toronto, with respect to the lands known as 58, 60, 64 and 68 Orchard View Boulevard and 439, 441, 443 and 445 Duplex Avenue.

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 pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provisions of such facilities, services or matters as are set 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 or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

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

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

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with 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. None of the provisions of Sections 2 with respect to "lot" and "grade" and Sections 4(2), 4(4), 4(12), 4(16), 6(3) Part I 1, 6(3) Part II, 6(3) Part III, 6(3) Part IV 2 and 12(2)119 of By-law No. 438-86, 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", as amended, shall apply to prevent the erection

and use of a *residential building* containing *dwelling units* on the lands municipally known as 58, 60, 64 and 68 Orchard View Boulevard and 439, 441, 443 and 445 Duplex Avenue, hereinafter set forth, provided that:

- (a) the *lot* comprises the lands delineated by a heavy black line on the attached Schedule 1;
- (b) the *residential gross floor area* of the *residential building* does not exceed 15,000 square metres;
- (c) the maximum number of *dwelling units* does not exceed 223, at least 10 of which residential units shall be constructed with a maximum *gross floor area* of 47 square metres;
- (d) no portion of any *residential building* above *grade*, is located otherwise than wholly within the areas delineated by heavy lines on the attached Schedule 2;
- (e) the *height* of any *residential building* or structure, or portion thereof, does not exceed those *heights* in metres as shown on the attached Schedule 2;
- (f) minimum required yard setbacks for the building or structure or portion thereof shall not be less than the distance shown in metres on Schedule 2 attached to and forming part of this By-law;
- (g) the following *residential building* elements and structures are permitted to extend beyond the building envelopes and above the heights shown on Schedule 2, provided that no encroachments shall be permitted to extend within the public right of ways;
 - (i) balconies, canopies, cornices, lighting fixtures, awnings, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, underground garage ramps and their associated structures, fences, screens, landscape and public art features;
 - (ii) notwithstanding (i) above, balconies are not permitted on the 2nd to 5th floors on the north and west elevations, and all other balconies can extend to a maximum depth of 1.5 metres;
 - (iii) none of the provisions of By-law No. 438-86 shall apply to prevent the use of the area identified as H 60.20 on Schedule 2 for use as outdoor *residential amenity space*;
- (h) *parking spaces* shall be provided and maintained on the *lot* in accordance with the following minimum rates:
 - (i) Bachelor and one-bedroom dwelling units - 0.5 parking space per dwelling unit;

- (ii) Two-bedroom dwelling units - 0.75 parking space per dwelling unit;
 - (iii) Three or more bedroom dwelling units – 1.0 parking spaces per dwelling unit;
 - (iv) Visitor parking spaces – 0.06 parking spaces per dwelling unit;
 - (v) 4 *car-sharing parking spaces* shall be provided and maintained for use by resident and non-resident *car-sharing* members, which shall be counted as equivalent to 15 resident parking spaces required by subsection (g) herein;
- (i) a minimum of 215 square metres of indoor *residential amenity space* shall be provided, and
 - (j) a minimum of 245 square metres per dwelling unit of outdoor *residential amenity space* shall be provided.
2. None of the provisions of By-law No. 438-86 shall apply to prevent a "*sales office*" on the *lot* as of the date of the passing of this By-law.
3. For the purposes of this By-law:
- (a) "*lot*" means those lands delineated by a heavy black line on Schedule 1 attached hereto;
 - (b) "*grade*" means 167 metres Canadian Geodetic Datum;
 - (c) "*car-share*" means the practice whereby a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization. To use a car-share vehicle, a person must meet the membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable. Cars are reserved in advance and fees for use are normally based on time and/or kilometres driven and include the use of cars on an hourly basis;
 - (d) "*car-sharing parking space*" shall mean a *parking space* exclusively for a car used only for *car-sharing* purposes and such vehicle is accessible to resident and non-resident *car-sharing* members at all times;
 - (e) "*sales office*" shall mean a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*;
 - (f) Every other word or expression which is italicized herein shall have the same meaning as each word or expression as defined in the aforesaid By-law No. 438-86, as amended.

4. Pursuant to Section 37 of the *Planning Act*, the height and density of development permitted on the *lot* by this By-law, are permitted in return for the provision by the *owner* of the following facilities, services and matters to the City at the *owner's* sole expense:

Agreement

- (i) the *owner* enters into one or more agreements with the City pursuant to Section 37 of the *Planning Act* which shall be registered on title to the land by the City to secure the facilities, services and matters required to be provided by this Section of the by-law and consents to the registration of such agreement or agreements against title to the *lot*; and

Cash Contribution

- (ii) a payment of \$200,000.00 will be payable upon approval and \$200,000 will be payable prior to the issuance of the first above grade building permit. Such payment will be directed to the Planning Act Reserve Fund to be budgeted for capital improvements for the Yonge-Eglinton area, which includes streetscape furniture and other pedestrian amenity, to be determined in consultation with the local Councillor;

Community Contribution

- (iii) as part of the Site Plan Approval Process, the *owner* shall provide a 1:50 scale drawings illustrating the 3-storey podium portion of the building for the north, west and south elevations with building materials labeled;
- (iv) the *owner* shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- (v) the *owner* shall prepare a Construction Management Plan and Neighbourhood Communication Strategy, prior to the issuance of the first building permit (including demolition and/or excavation permit), to the satisfaction of the Executive Director Technical Services in consultation with the Chief Planner and Executive Director City Planning;
5. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole *lot* as if no severance, partition or division occurred.

ENACTED AND PASSED this 8th day of February, A.D. 2011.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)



