

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. 241-2011

To amend City of Toronto Zoning By-law No. 1156-2010, as amended, with respect to the lands municipally 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. 1156-2010 of the City of Toronto, 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 (the "City"); 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. This By-law applies to the lands delineated by a heavy line on Diagram 1 attached to and forming part of this By-law.
2. Except as otherwise provided herein, the regulations of Zoning By-law No. 1156-2010 continue to apply to the lands delineated by a heavy line on Diagram 1 attached to and forming part of this By-law.

3. The Zoning By-law Map of By-law No. 1156-2010 is amended by adding the zone, zone label and Exception (978) to the lands delineated by heavy line on Diagram 1 attached to and forming part of this By-law, as follows:

(978) Exception R (u223)(x978)

4. Zoning By-law No. 1156-2010 is amended by adding to Chapter 900.2.10 Exception R 978, so that it reads:

If the Section 37 requirements found in Section 5 of By-law No. 241-2011 are complied with, a **building** or **structure** may be erected on the area covered by this exception and used for the uses permitted if the whole of the premises covered by this exception collectively comply with the following:

- (A) The following regulations shall not apply 5.10.40.1 (1); 5.10.40.10; 5.10.40.60; 5.10.40.70; 5.10.50.10; 5.10.80.1; 5.10.80.20; 5.10.90.1; 5.10.90.40 (1); 10.5.40.10; 10.5.40.30; 10.5.40.60; 10.5.40.70; 10.5.50.10(4); 10.5.50.10(5); 10.5.80.1(3); 10.5.80.40; 10.5.100.1(5); 10.5.100.10; 10.10.40.10 (1); 10.10.40.30 (1) (B); 10.10.40.40 (1); 10.10.40.50 (1); 10.10.40.70; 10.10.80.40; 200.5.10.1; Table 200.5.10.10; 220.5.1.10(8); 900.2.10(768); and 955.10(759) to prevent the use or erection of a building that complies with the following;
- (B) No portion of a **building** or **structure** erected on the lands is to have a height in metres greater than the height in metres specified by the numbers following the symbol H on Diagram 2 attached to and forming part of this By-law except that:
- (i) mechanical penthouses are permitted provided they are set back a minimum of 4.15m from the building face of any portion of the **residential building** parallel to a public right of way;
- (ii) canopies, lighting fixtures, awnings, ornamental elements, parapets, trellises, eaves, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, underground garage ramps and their associated structures, fences, screens, window washing equipment, and landscape features; and outdoor furniture are permitted to extend above the heights shown on Diagram 2 of this By-law and above the additional heights permitted in (B) (i), above;
- (C) The height of a **building** or **structure** is the vertical distance between Canadian Geodetic Datum elevation of 167 metres, and the highest point of the **building** or **structure**;
- (D) minimum required yard setbacks for the building or structure or portion thereof shall not be less than the distance shown in metres on Diagram 2 attached to and forming part of this By-law;

- (E) The above ground portions of a **building** or **structure** must be located within the areas delineated by heavy lines on Diagram 2 attached to and forming part of this By-law, except that:
- (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, and outdoor furniture may extend beyond the heavy lines shown on Diagram 2 of this By-law, provided that no encroachments shall be permitted to extend within the public right of ways;
 - (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 project a maximum of 1.5 metres from the main wall to which it is attached;
 - (iii) nothing shall prevent the use of the area identified as H 60.20 on Diagram 2 attached to and forming part of this By-law for use as outdoor **amenity space**.
- (F) a maximum of 223 **dwelling units** shall be permitted, at least 10 of which **dwelling units** shall be constructed with a **gross floor area** not to exceed 47 square metres;
- (G) the **gross floor area** of **buildings** and **structures** must not exceed 16,500 square metres;
- (H) a minimum of 215 square metres of indoor *residential amenity space* shall be provided;
- (I) a minimum of 245 square metres of outdoor *residential amenity space* shall be provided;
- (J) **parking spaces** shall be provided and maintained on the site in accordance with the following:
- (i) 112 parking spaces for residents;
 - (ii) 13 parking spaces for visitors;
 - (iii) 4 **car-sharing parking spaces** shall be provided and maintained for use by resident and non-resident **car-share** members.
- (K) Provide one type-G loading space having a minimum width of 3.5 metres or 4 metres where enclosed, by 13 m in length with a vertical clearance of a minimum 6.1 metres for the first 8 metres in length of the loading space and at a

minimum of 4.3 metres in height over the balance of the length of the loading space;

- (L) A sales office, used exclusively for the initial sale and/or initial leasing of **dwelling units** or **gross floor area** for uses permitted by Regulation 10.10.20.10 (1) shall be permitted;
- (M) Exception R (978) shall apply to all of the lands regardless of future severance, partition or division;
- (N) For the purposes of By-law No. 241-2011, all bold-type words and expressions have the same meaning as defined in By-law No. 1156-2010, as amended, with the exception of the following:
 - (i) **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 kilometers driven and include the use of cars on an hourly basis;
 - (ii) **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;
 - (iii) **height** means the vertical distance between **grade** and the highest point of the **building** or **structure** except for those elements otherwise expressly prescribed in this By-law;
- (O) The lands enclosed by a dashed line on Diagram 2 attached to and forming part of this By-law must comply with the Section 37 requirements of Section 5 of this By-law No. 241-2011.

5. Pursuant to Section 37 of the *Planning Act*, the heights of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the site of the facilities and services and matters set out in herein, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.

Upon execution and registration of an agreement or agreements with the owner of the site pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities and services and matters set out herein, the site is 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 requirement;

Pursuant to Section 37 of the *Planning Act*, the height and density of development permitted on the lands delineated by heavy line on Diagram 1 attached to and forming part of 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 lands delineated by a dashed line on Diagram 2 attached to and forming part of this By-law;

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

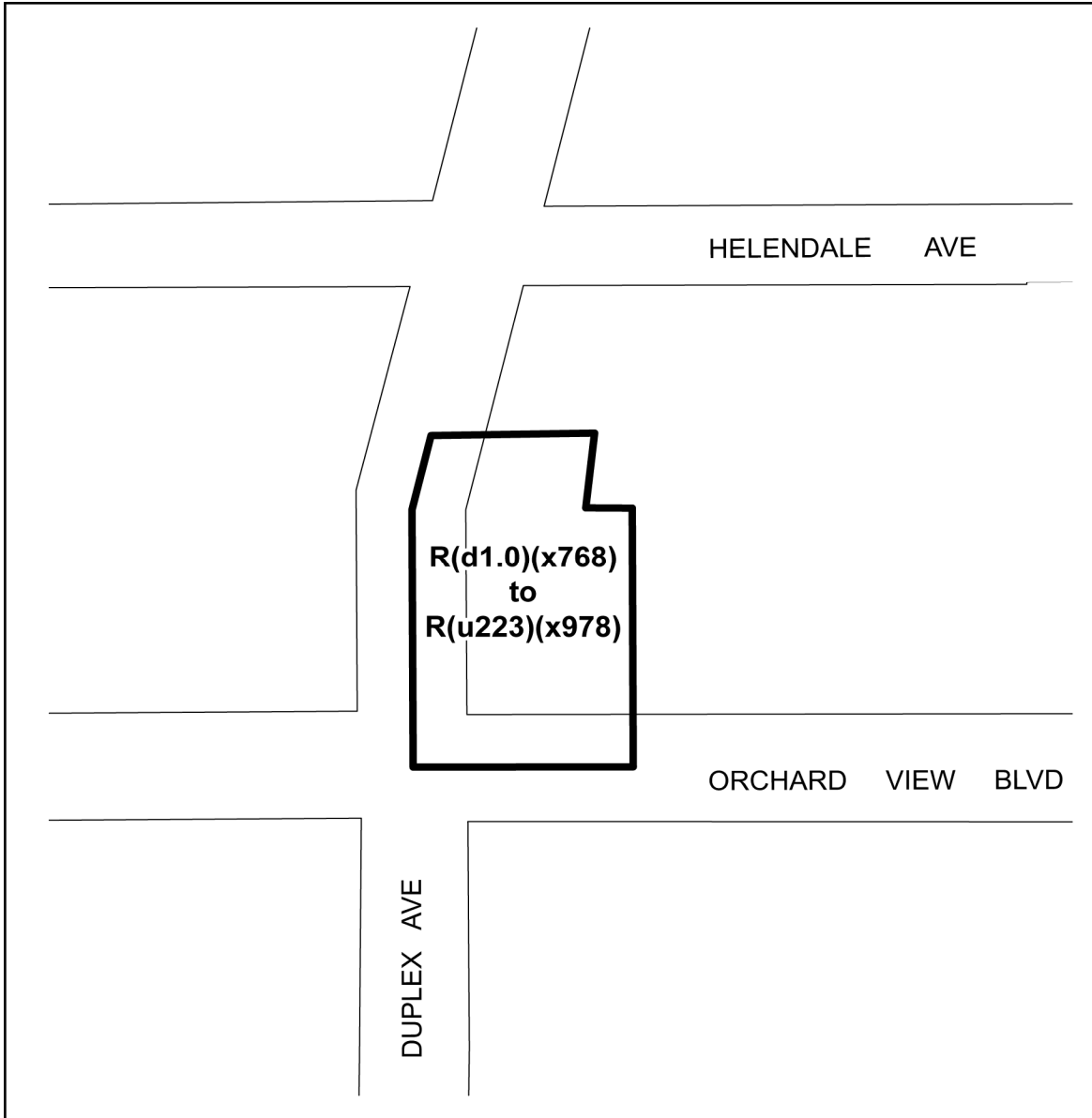
- (iii) as part of the site plan approval process, the *owner* shall provide 1:50 scale drawings illustrating the 3-storey podium portion of the building for the north, west and south elevations with building materials labelled;
- (iv) the *owner* shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- (v) 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 Division.

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

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS
City Clerk


(Corporate Seal)



 **Toronto** City Planning
Diagram 1

58, 60, 64 & 68 Orchard View Boulevard and
439, 441, 443 & 445 Duplex Avenue
File # 08 182458 NNY 16 02

Approved by: J.A.


City of Toronto By-Law 1156-2010
Not to Scale
02/02/2011

