

Authority: North York Community Council Item 23.34, as adopted by City of Toronto Council on May 7, 8, 9 and 10, 2013 and MM37.63, moved by Councillor Parker, seconded by Councillor Stintz, as adopted by City of Toronto Council on July 16, 17, 18 and 19, 2013

## **CITY OF TORONTO**

### **BY-LAW No. 442-2014**

**To amend former Borough of East York Zoning By-law No. 1916, as amended, with respect to lands municipally known as 70 Wicksteed Avenue, 202, 204 and 206 Parkhurst Boulevard and 99 Vanderhoof 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; 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 such provisions relating to the authorization of increases in height and density of development; 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 and that will be permitted in return for the provision of such facilities, services or matter 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, a 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 height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 1916, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are 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. The lands subject to this By-law are those lands outlined by a heavy black line and identified on Schedule 1 attached to and forming part of this By-law.
2. Schedule "A" to former Town of Leaside Zoning By-law No. 1916, as amended, is hereby further amended by changing the zoning category for the lands shown on Schedule 1 of this By-law from Light Industrial (M1) Zone" and General Industrial (M2) Zone to "Light Industrial M1(14) Zone".

3. Former Town of Leaside Zoning By-law No. 1916, as amended, is hereby further amended by adding a new Section 8.2.3(k) immediately after Section 8.2.3(j) as follows:

"8.2.3(k)        70 Wicksteed Avenue, 202, 204 and 206 Parkhurst Boulevard and  
99 Vanderhoof Avenue M1 (14) Zone

(i)        Area Restricted

The provisions of this section 8.2.3(k) shall only apply to the lands zoned M1(14) on Schedule 1 attached to and forming part of By-law No. 442-2014 which lands comprise the Lot for the purpose of this Section.

(ii)        General Provisions

Notwithstanding Sections 8.2.1 and 8.2.2 of this By-law, on those lands referred to in Section 8.2.3(k) , no person shall use, occupy, erect, alter, cause to be used, occupied, erected or altered, any Building, Structure or land or part thereof except in accordance with the following provisions:

(1)        Permitted Uses

In addition to the uses permitted within Section 8.2.1, the following uses are permitted:

Automated Teller Machine  
Business Office  
Business and Professional Office  
Clinic  
Commercial School  
Custom Workshop  
Day Nursery  
Department Store  
Dressmaker's Shop  
Drug Store  
Dry Cleaner's Distribution Station  
Dry Cleaning Establishment  
Eating Establishment  
Financial Institution  
Food Store  
Garden Supply Centre  
Government Office  
Home Improvement Centre  
Personal Service Shop  
Private Club  
Private and Public Recreational Facilities  
Restaurant

Restaurant Drive-In  
Restaurant Take-Out  
Retail Store  
Retail Warehouse  
Service Shop  
Service or Repair Shop  
Tailor's Shop

(2) Development Requirements

(a) Maximum Gross Floor Area

- (i) the maximum Gross Floor Area of all Buildings and Structures within the building envelopes, including existing buildings, shown on Schedule M1(14) attached to By-law No. 442-2014 shall be 15,852 square metres;
- (ii) the maximum Gross Floor Area of Building A1 shown on Schedule M1(14) attached to By-law No. 442-2014 shall be 7,308 square metres and shall include one unit that has a Gross Floor Area of 5,574 square metres or greater for either a Retail Store, Department Store, Food Store or Home Improvement Centre use.

(b) Maximum Floor Space Index of 0.61.

(c) Maximum Lot Coverage of 27%.

(d) Building Location and Setbacks

- (i) the minimum setbacks for all Buildings and Structures above Established Grade on the Lot shall be as set out in Schedule M1(14) attached to By-law No. 442-2014;
- (ii) the minimum setbacks for underground parking structures on the Lot shall be 0 metres; and
- (iii) awnings and canopies may project within the setbacks referred to in (i) and (ii) above provided they are wholly on the property.

(e) Maximum Building Height

- (i) the maximum Building Height and number of Storeys shall not exceed the maximum height limit in metres and number of Storeys as shown on the Building envelopes in Schedule M1(14) attached to By-law No. 442-2014.
- (ii) the following may exceed the maximum height limit up to a maximum of 5.0 metres;
  - (A) a roof structure which is used to house stairwells for roof access and/or the mechanical, electrical or ventilation systems for the building; and
  - (B) decorative features and design elements including parapets, cornices, mouldings, flashings, railings, pergolas and trellises.

(f) Landscaping

Notwithstanding the requirements of Section 8.1.5, the following requirements shall apply:

- (i) all Yard areas other than driveways, loading areas, motor vehicle parking, walkways, stairs, and patios shall be landscaped.

(g) Parking

Notwithstanding the requirements of Section 5.17, the following requirements shall apply to the uses listed below:

- (i) a minimum ratio of 1.5 parking spaces per 100 square metres of Retail Floor Area;
- (ii) a minimum ratio of 1.5 parking spaces per 100 square metres of Office Floor Area;
- (iii) a minimum ratio of 2.5 parking spaces per 100 square metres of Food Store Floor Area;
- (iv) a minimum ratio of 4.0 parking spaces per 100 square metres of Financial Institution Floor Area; and

- (v) a minimum ratio of 3.0 parking spaces per 100 square metres of Restaurant Floor Area.

(h) Bicycle Parking

- (i) a minimum of 18 occupant bicycle parking spaces shall be provided at grade; and
- (ii) a minimum of 18 visitor bicycle parking spaces shall be provided at grade.

(i) Loading Spaces

Notwithstanding the requirements of Section 5.19(a) of this By-law, loading spaces shall be provided in accordance with the following for the Buildings identified on Schedule M1(14) of By-law No. 442-2014;

- (i) Buildings A1 and A4: 1 Type A loading space and 2 Type B loading spaces;
- (ii) Building B: 1 Type B loading space and 1 Type C loading space;
- (iii) Building C: 1 Type B loading space;
- (iv) Building D: 1 Type B loading space;
- (v) Building E: 1 Type B loading space;
- (vi) Building F: 1 Type B loading space;
- (vii) Existing Buildings: Loading spaces may be shared with Building B;
- (viii) a Type A loading space shall have minimum dimensions of 17.0 metres long, 3.5 metres wide and a vertical clearance of 4.3 metres;
- (ix) a Type B loading space shall have minimum dimensions of 11.0 metres long, 3.5 metres wide and a vertical clearance of 4.0 metres; and
- (x) a Type C loading space shall have minimum dimensions of 6.0 metres long, 3.5 metres wide and a vertical clearance of 3.0 metres.

(iii) Section 37 Agreement

- (1) Pursuant to Section 37 of the *Planning Act* and subject to compliance with By-law No. 442-2014, the increase in density of development is permitted beyond that otherwise permitted on the Lot in return for the provision by the owner, at the owner's expense, of the following facilities, services and matters 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 Lot to the satisfaction of the City Solicitor;

- (a) Prior to issuance of the first above-grade building permit for any Building or Structure within the development the owner shall:
  - (i) make a \$500,000.00 cash contribution to the City toward the cost of constructing and equipping the expansion to Leaside Memorial Gardens, which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the registration of the Section 37 Agreement to the date of payment; and
  - (ii) provide the City with security in the form of standard letter of credit to the satisfaction of the Director of Transportation in the amount of not less than \$321,000.00, to the satisfaction of the Chief Planner and Executive Director, to secure the cost of construction of a center median on Laird Drive as set out in paragraph (b) below;
- (b) The owner shall provide and maintain a 3 metre wide landscaped centre median on Laird Drive along the frontage of the site, subject to variations for traffic management purposes, which is designed and constructed to the satisfaction of the Executive Director, Engineering and Construction Services, such median to include irrigation and hard and soft landscaping materials to the satisfaction of the General Manager, Parks, Forestry & Recreation.
- (c) The owner shall provide the following in support of the development;
  - (i) construction and maintenance of the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council in October, 2009; and
  - (ii) submission and implementation of a construction management plan to the satisfaction of the Executive Director of

Engineering and Construction Services in consultation with the Chief Planner and Executive Director, such plan to include information regarding the construction timetable and protocols to address construction activities such as noise, dust, temporary loss of facilities and services, parking of vehicles, standards for cleanliness of public spaces and contact numbers for complaints.

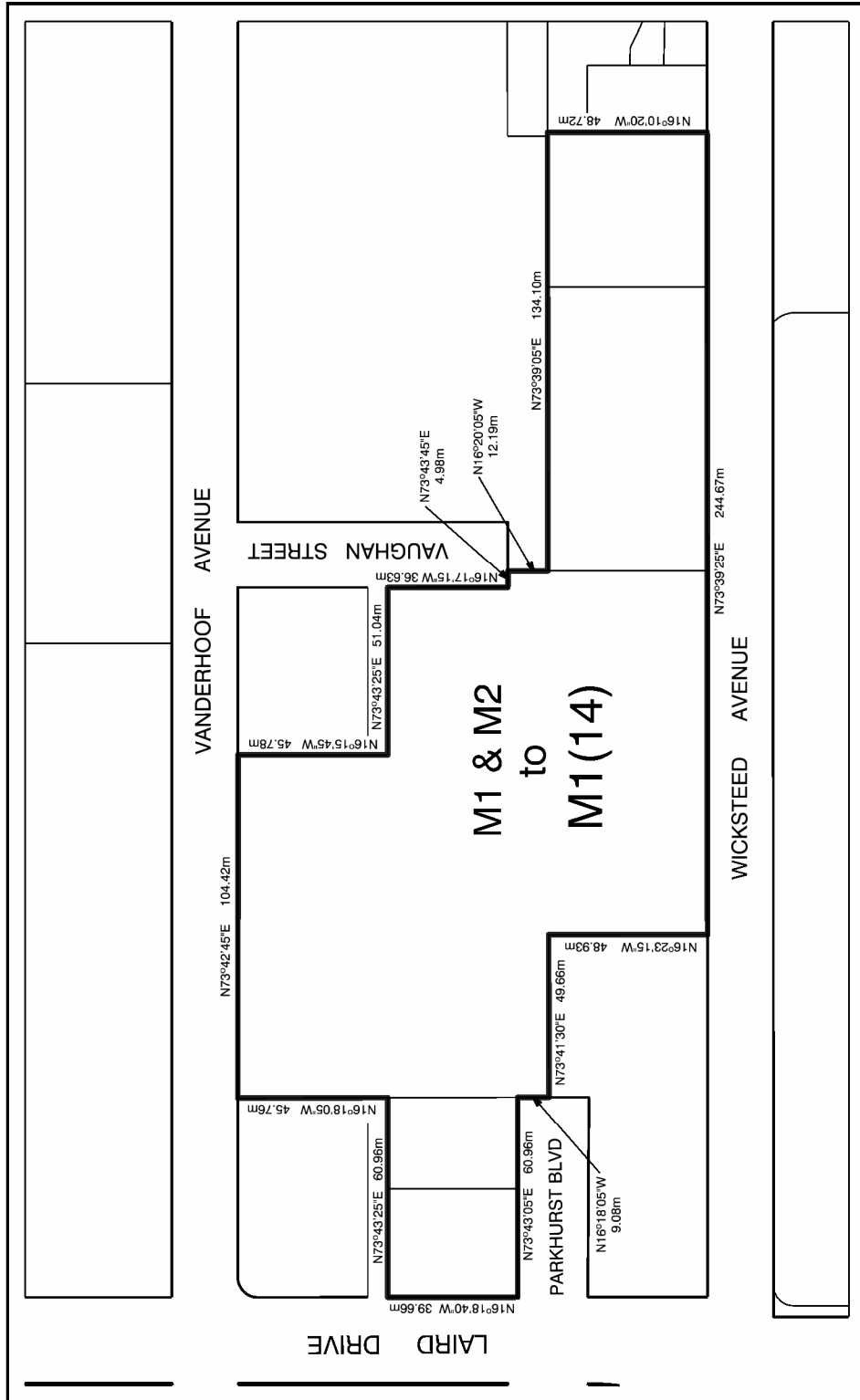
- (2) Where Section 8.2.3(k)(iii)(1)(a) above requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
  - (3) The owner shall not use, or permit the use of, a Building or Structure erected with an increase in density permitted pursuant to this By-law unless all provisions of Section 8.2.3(k)(iii) hereof are satisfied."
- 4. Notwithstanding anything else contained in this By-law, the provisions of Section 8.2.3(k) shall continue to apply collectively to all of the lands identified on Schedule 1 of this By-law, notwithstanding any existing or future severance, partition or division thereof and as if no severance, partition or division occurred.
- 5. Except as amended in this By-law, all the other provisions of By-law No. 1916, amended, shall apply to the lands.
- 6. Within the lands shown on Schedule 1 attached to this By-law, no person shall use any land, erect any building or structure, except Buildings A1, A4, B, C, the Galleria and the Loading\Receiving area shown on Schedule M1(14) of this By-law, and no person shall use any building or structure, with the exception of existing buildings shown on Schedule M1(14) of this By-law, unless the following municipal services are provided to the lot line and the following provisions are complied with:
  - (i) 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
  - (ii) All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

Enacted and passed on May 8, 2014.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)



Schedule 1

Part 1, Plan of Blocks F, G, H, Part of Block E, Part of Lane, R.P. 2755 & Part of Parkhurst Boulevard,  
Part of Block 1, R.P. 2510 & Lots 566, 573, 574, 575, 576, R.P. 1925, City of Toronto

File # 11 264854 NNY 26 02

Krcmar Surveyors Limited

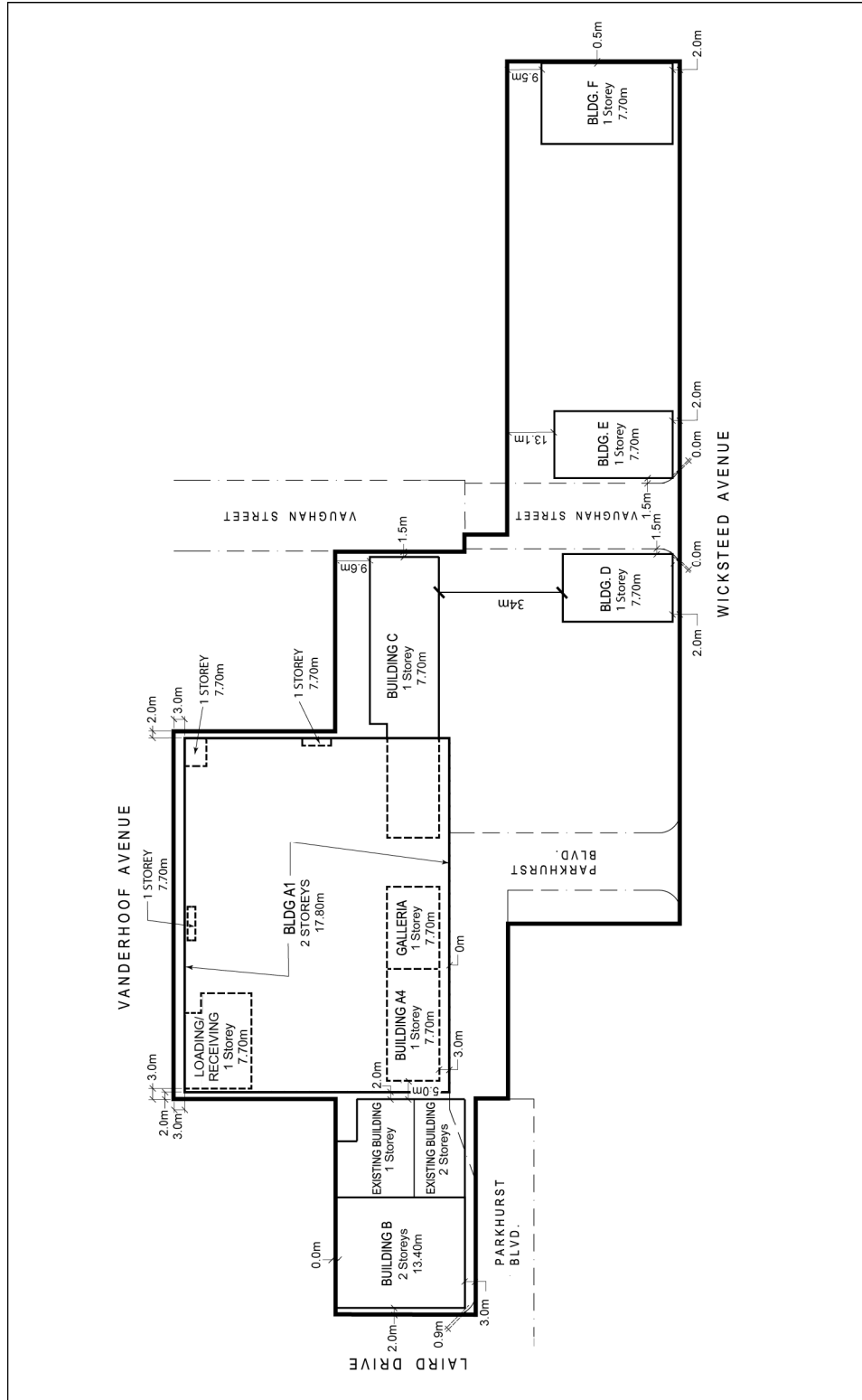
Date: 1/30/2013

Approved by: S. Forrester



Not to Scale





## Schedule M1(14)

File # 11 264854 NNY 26 0Z



Not to Scale

**Toronto** City Planning

Part 1, Plan of Blocks F, G, H, Part of Block E, Part of Lane, R.P. 2755 & Part of Parkhurst Boulevard,  
Part of Block 1, R.P. 2510 & Lots 566, 573, 574, 575, 576, R.P. 1925, City of Toronto

**Krcmar Surveyors Limited**

Date: 07/03/2013

Approved by: S. Forrester