

Authority: Etobicoke York Community Council Item EY35.4, as adopted by City of Toronto Council on August 25, 26, 27 and 28, 2014

CITY OF TORONTO

BY-LAW No. 790-2015

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known as 177 Caledonia Road and 19 Innes Avenue.

Whereas authority is given to Council of the City of Toronto 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 Subsection 37(3) of the *Planning Act*, the Council of a municipality may, in a by-law passed under Section 34 of the *Planning Act*, authorize increases in the height and/or density of development beyond that otherwise permitted by the zoning by-law, in return for the provision of such facilities, services and matters as are set out in the by-law; and

Whereas the increases in the density and heights permitted hereunder, beyond that otherwise permitted on the land 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 to be secured by one or more agreements between the *owner* of such land and the City of Toronto (hereinafter referred to as the "City"); and

Whereas the Official Plan of the former City of Toronto contains provisions relating to the authorization of the height and density of development; and

Whereas the *owner* of the land that is the subject of this By-law has elected to provide the facilities, services and matters as are hereinafter set forth; 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 land as permitted in this By-law;

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the *Planning Act*, the *heights* and *density* of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law including the provision by the *owner* of the *lot* of the facilities, services and matters set out in Appendix 1 hereof, to the City at the *owner's* sole expense and in accordance with and subject to the agreement referred to in Section 2 of this By-law.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out in Appendix 1 hereof, the *lot* 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 requirements.

3. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
4. None of the provisions of Section 2(1) with respect to the definition of "converted house", "depth", "grade", "height", 4(2)(a)(d), 4(4), 6(2), 6(3) PART I, 6(3) PART II, 6(3) PART III, 6(3) Part IV 3, 6(3) PART VII of Zoning 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 38 *semi-detached houses*, including secondary suites and 3 *row houses*, including secondary suites and accessory structures provided:
 - (a) the *lot* consists of those lands delineated by the heavy lines on Map 1 attached to and forming part of this By-law;
 - (b) no portion of any above grade building or structure to be erected or used shall extend beyond the building envelope delineated by the heavy lines on Map 2 attached to and forming part of this By-law; except any other type of structure identified as a permitted projection in Section 6(3) PART II 8 of By-law No. 438-86, provided that the restrictions and qualifications in that Section are complied with the exclusion of uncovered platforms and uncovered platforms that are landscaped open space each of which may not exceed 1.85 metres above grade, and 2.3 metres above grade for the terraces in the rear of the dwellings in Parcel "A";
 - (c) the maximum permitted *residential gross floor area* shall not exceed 8,500 square metres;
 - (d) the maximum depth of any individual *semi-detached house* or *row house*, as measured from the main external front wall to the main external rear wall of the *semi-detached house* or *row house*, shall not exceed 17.0 metres;
 - (e) the maximum number of *row houses* on the *lot* is 3 and the minimum *lot* width of a *row house* is 4.2 metres;
 - (f) the maximum number of *semi-detached houses* on the *lot* is 38 and the minimum *lot* width of a *semi-detached house* is 4.8 metres;
 - (g) the maximum number of *secondary suites* on the *lot* is 41 and shall be limited to 1 *secondary suite* within each *semi-detached house* or *row house*;
 - (h) the maximum height of any *semi-detached house* or *row house* is as follows:
 - a. 11.7 metres above grade for Parcel A as identified on Map 1;

- b. 10.75 metres above grade for Parcel B as identified on Map 1; and
 - c. 11.5 metres above grade for Parcel C as identified on Map 1;
 - (i) the minimum *lot* width for a *semi-detached house* is 4.8 metres and for a *row house* is 4.2 metres;
 - (j) at least 41 motor vehicle parking spaces shall be provided and maintained on the *lot* and located within either a private garage behind the main front wall of any *semi-detached house* or *row house* and at least one shall be provided for each of the *semi-detached houses* and *row houses* to be constructed on a lot;
 - (k) the minimum landscape open space is as follows:
 - a. 20 percent of the area of Parcel A as identified on Map 1;
 - b. 30 percent of the area of Parcel B as identified on Map 1; and
 - c. 30 percent of the area of Parcel C as identified on Map 1; and
 - (l) the maximum height for an *accessory structure* shall be 4.5 metres measured from the average of the grade around the accessory structure.
5. Zoning By-law No. 438-86, as amended, is further amended by changing the zoning designation of the north-westerly portion of the *lot* identified on Map 1 attached to this By-law from R2 Z 0.6 to G.
6. Despite any existing or future severance, partition or division of the lot, the provisions of this By-law shall apply to the whole lands identified on Map 1, as if no severance, partition or division occurred.
7. Within the lands shown on Map 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 provisions are complied with:
- (a) all new public roads, if any, but not including any lands to be conveyed for public lanes, have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
8. For the purposes of this By-law all words, terms and phrases appearing in italics shall have the same meaning as they have for the purpose of the aforesaid By-law No. 438-86, as amended, except as herein provided
- (a) "grade" for the purposes of determining the height of the main building and uncovered platforms attached thereto and for the purposes of calculating residential gross floor area, shall mean an elevation above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (1978 Southern Ontario Adjustment) of:

- a. 150.35 metres for Parcel A as identified on Map 1;
 - b. 150.68 metres for Parcel B as identified on Map 1; and
 - c. 148.00 metres for Parcel C as identified on Map 1;
- (b) "height" for the purposes of determining the height of the main building shall be measured from "grade" to the highest part of the roof exclusive and any parapets which may project a maximum of 0.5 metres; and
- (c) "secondary suite" means self-contained living accommodation for an additional person or persons living together as a separate single housekeeping unit, in which both food preparation and sanitary facilities are provided for the exclusive use of the occupants of the suite, located in and subordinate to a dwelling unit.

Enacted and passed on July 9, 2015.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Appendix "1"
Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *lot* at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the City with conditions providing for no credit for development charges, indexing escalation of both the financial contributions and any letters of credit, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement. The financial contribution will be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment of the sum by the owner to the City:

- a. The *owner* shall provide the following facilities, services and matters at its expense:
 - i. A cash contribution of \$250,000 to be paid to the City prior to the issuance of the first above-grade building permit, to be used towards parks improvements in Ward 17 and/or towards recreational facilities in the vicinity of the *lot*.
 - ii. In the event the cash contribution referred to above has not been used for the intended purpose within three (3) years of the 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, City Planning, in consultation with the Ward Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the property.
- b. The *owner* shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009.
- c. The *owner* of the *lot* shall enter into and register on title to the *lot* one or more agreements with the City pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning Division, to secure the facilities, services and matters set forth in this Appendix.



