

Authority: North York Community Council Item NY9.27, as adopted by City of Toronto Council on November 3 and 4, 2015

CITY OF TORONTO

BY-LAW No. 1308-2015

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2015 as 42 and 46 Overlea Boulevard.

Whereas Council of the City of Toronto has the authority to 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 retail density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 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. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to EO (e0.75; o2.0)(x1) as shown on Diagram 2 attached to this By-law.

4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.24.10 Exception Number 1 so that it reads:

(1) **Exception EO 1**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On 42 and 46 Overlea Boulevard, if the requirements of By-law 1308-2015 are complied with, none of the provisions of 60.40.20.100(6), 60.40.40.70(2)(A)(ii) and 200.5.10.1, apply to prevent the erection or use of a **retail store** if the **retail store** complies with (B) to (E) below:
- (B) A **retail store** may have a single propane tank if it contains no more than 7,570 litres of propane;
- (C) The total **gross floor area** of the **retail store** must not exceed a maximum of 15,550 square metres;
- (D) The minimum west **side yard** setback of the **retail store** is 4.50 metres;
- (E) A **retail store** with a **gross floor area** up to 15,550 square metres must provide 623 **parking spaces**; and
- (F) A building or structure may be erected in accordance with (A) to (E) above, if all requirements of Schedule 'A' of By-law 1308-2015 are complied with.

Prevailing By-laws and Prevailing Sections:

- (A) Section 8.4.1(c), Section 8.4.1(d) and Section 8.4.1(e), former Borough of East York Town of Leaside By-law No. 1916.

5. Section 37 Provisions

- (A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in retail density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 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 hereof 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;

- (B) 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 dependent on satisfaction of the same; and
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in retail density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on December 10, 2015.

Frances Nunziata,
Speaker

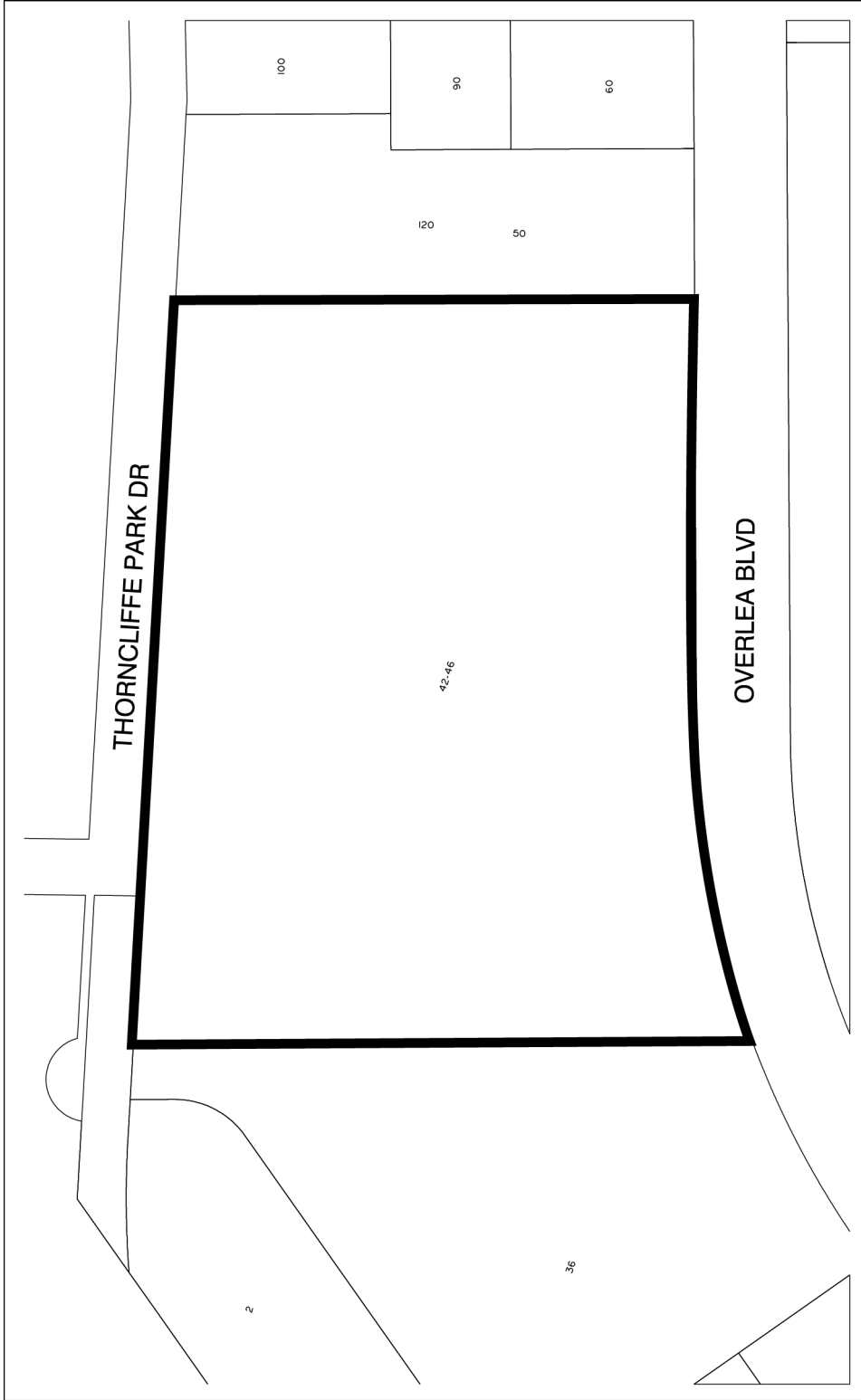
Ulli S. Watkiss,
City Clerk

(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 retail density of the proposed development on the lands as shown in Diagram 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:

- (1) Prior to issuance of an above grade building permit the owner shall:
 - (a) make a \$650,000.00 cash payment to be used towards the cost of capital improvements within the Thorncliffe Park community such as, but not limited to, parks, a community centre or recreational facility in consultation with the local Councillor, to be paid prior to the issuance of the first above-grade building permit for the development, with such amount to 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
 - (b) conserve the listed heritage building on the site including entering into a Heritage Easement Agreement under the Ontario Heritage Act, for the protection and maintenance of the building.
- (2) The owner shall provide the following to support the development of the lands:
 - (a) Construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council in October 2009;
 - (b) The owner shall provide a cheque to the City to send to TTC in the amount of \$175,000 to equip the five signalized intersections on Overlea Boulevard, or in the vicinity of the site with transit priority capability; and
 - (c) As a condition of Site Plan Approval, a Transportation Demand Management Plan prepared to the satisfaction of the Director, Transportation Services, North York District.
- (3) In the event the cash contribution referred to in Section (1)(a) 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 purpose(s) identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.



TORONTO City Planning
Diagram 1

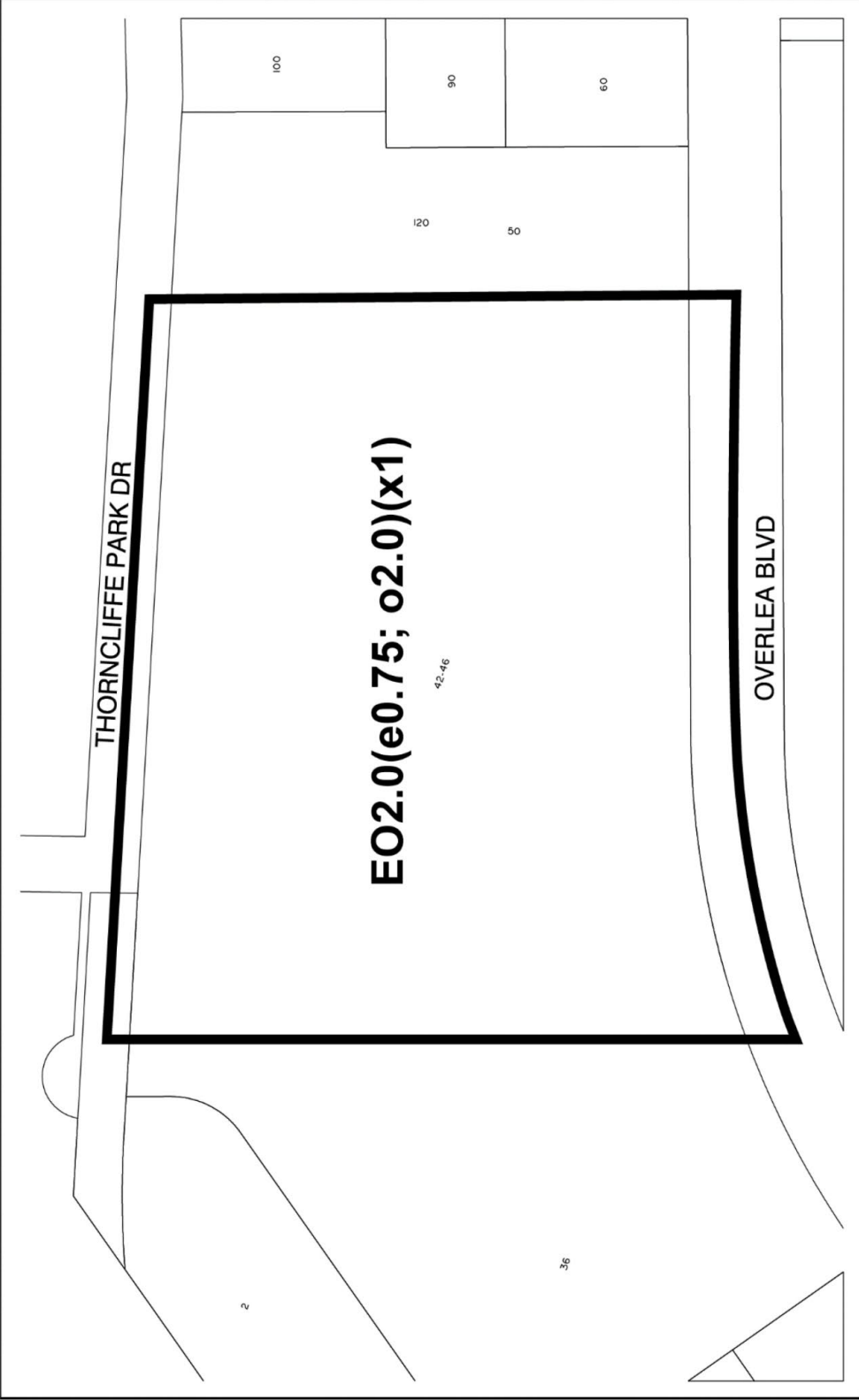
42-46 Overlea Boulevard

File # 13 190927 NMY 26 0Z



City of Toronto By-Law 1156-2010
 Not to Scale
 08/10/2015

Approved by: Steve Forrester



Toronto City Planning
Diagram 2

42-46 Overlea Boulevard

File # 13 190927 NMY 26 0Z



City of Toronto By-Law 1156-2010
 Not to Scale
 08/10/2015

Approved by: Steve Forrester