

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. 1309-2015

To amend former Borough of East York By-law No. 1916, as amended, for the former Town of Leaside, with respect to lands municipally known in the year 2015 as 42 and 46 Overlea Boulevard.

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*, a by-law under Section 34 of the *Planning Act*, may 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, 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 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 BC(H) Business Centre Zone to "BC(16) Business Centre 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(n) immediately after Section 8.2.3(m) as follows:

8.2.3 (n) 42 and 46 Overlea Boulevard - BC(16)

- (i) Area Restricted

The provisions of this section 8.2.3(n) shall only apply to the lands zoned BC(16) on Schedule 1 attached to By-law No. 1309-2015.

- (ii) General Provisions

- (1) Permitted Uses

- (a) In addition to the uses permitted within Section 8.2.1 a) of the M1 Zone and Section 8.4.1 of the BC Zone, a Retail Store is also permitted.

- (2) General Development Requirements

The following development requirements shall apply for a Retail Store use:

- (a) Maximum Gross Floor Area shall be 15,550 square metres.
- (b) Maximum Floor Space Index shall be 0.30.
- (c) Maximum Lot Coverage of 30 percent. For the purposes of this section, Lot means the entire lands outlined by a heavy black line on Schedule 1.
- (d) Yard Setbacks for Buildings and Structures:
- (i) The minimum Yard setbacks for a Retail Store on the Lot shall be as follows:
- (a) Minimum Front Yard: 15.5 metres.
- (b) Minimum Rear Yard: 23.9 metres.
- (c) Minimum West Side Yard: 4.50 metres.
- (d) Minimum East Side Yard: 15.2 metres.

- (ii) For the purposes of this section, awnings, canopies and colonnades for a Retail Store may project within the Yard setbacks referred to in (i) above provided they are wholly on the property.
 - (iii) For the purposes of this section, the Rear Yard is deemed to be along Thorncliffe Park Drive.
- (e) Maximum Height of Buildings and Structures:
- (i) The maximum Height for a Retail Store shall not exceed 1 storey or 15 metres.
 - (ii) The following may exceed the maximum Height limit for a Retail Store:
 - (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 and skylights.
- (f) Landscaping
- (i) A minimum 6.0 metre wide landscape strip shall be provided along the entire east property line.
 - (i) A minimum 12.90 metre wide landscape strip shall be provided along the entire south property line.
 - (iii) A minimum 3.0 metre wide landscape strip shall be provided along the entire north property line.
 - (iv) A minimum 4.50 metre wide landscape strip shall be provided along the west property line.
 - (v) For the purposes of this section, entrance driveways, pedestrian walkways and

decoratively paved hard landscape features are permitted within the landscape areas.

(g) Parking

- (i) Notwithstanding the requirements of Section 5.17, a minimum ratio of 4.08 parking spaces per 100 square metres of Gross Floor Area shall be provided.

(h) Bicycle Parking

- (i) A minimum of 28 occupant bicycle parking spaces shall be provided at grade; and
- (ii) A minimum of 41 visitor bicycle parking spaces shall be provided at grade.

(i) Loading Spaces

- (i) Notwithstanding the requirements of Section 5.19(a), loading spaces shall be provided in accordance with the following for the lands identified on Schedule BC(16) of this By-law:
- (a) 4 Type A loading spaces; and
- (b) A Type A loading space shall have minimum dimensions of 17 metres long, 3.5 metres wide and a vertical clearance of 4.3 metres.

(iii) Section 37 Agreement

- (1) The owner of the lands shown in Schedule 1 shall enter into one or more agreements with the City to secure the following facilities, services and matters that are in a form satisfactory to the City Solicitor and registered on title:
- (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 \$650,000.00 cash payment to be used towards the cost of capital improvements within the Thorncliffe Park community including, 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

- (ii) The conservation of 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.
- (b) The owner shall provide the following to support the development of the lands:
 - (i) 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;
 - (ii) 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
 - (iii) As a condition of Site Plan Approval, a Transportation Demand Management Plan prepared to the satisfaction of the Director, Transportation Services, North York District.
- (2) Where Section 8.2.3(n)(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(n)(iii)(1)(a) hereof are satisfied.

4. Other Provisions of the By-law:

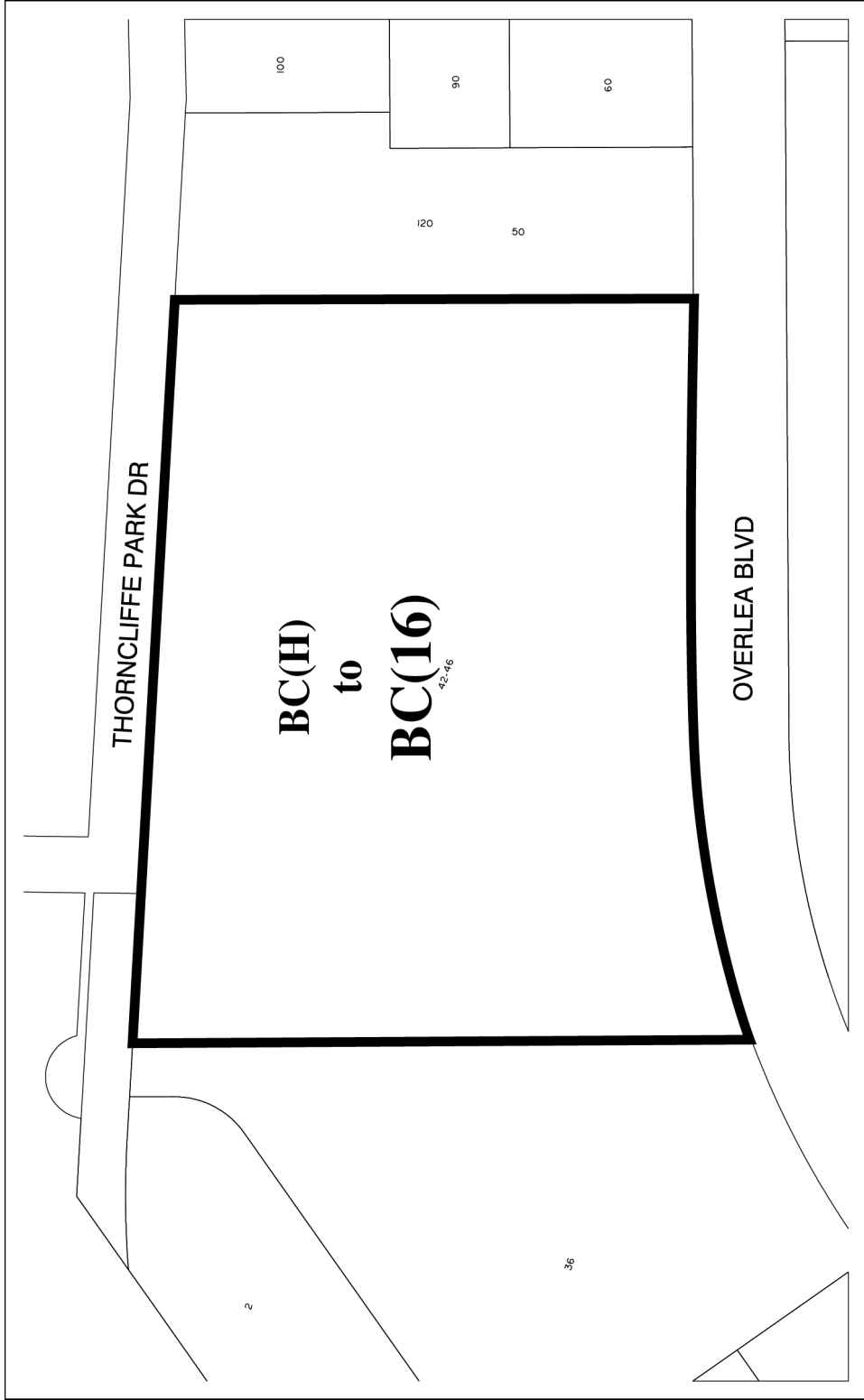
- (a) Notwithstanding anything else contained in this By-law, the provisions of Section 8.2.3(n) shall continue to apply collectively to all of the lands identified on Schedule 1 of this By-law, notwithstanding any future division of the lands into two or more parcels of land;
- (b) Except as amended in this By-law, all the other provisions of By-law No. 1916, amended, shall apply to the lands; and
- (c) Within the lands shown on Schedule 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:
 - (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 December 10, 2015.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



Schedule 1

Leaside By-Law 1916

File # 13 190927 NNY 26 0Z

Date: 08/10/2015
 Approved by: S.F.



Not to Scale