

Authority: Etobicoke York Community Council Item EY35.5, adopted as amended, by City of Toronto Council on August 25, 26, 27 and 28, 2014 and Etobicoke York Community Council Item EY7.2, as adopted by City of Toronto Council on July 7, 8 and 9, 2015

CITY OF TORONTO

BY-LAW No. 1315-2015

To amend Chapters 320 and 324 of the Etobicoke Zoning Code, as amended by former City of Etobicoke By-law No. 1992-130, By-law No. 747-2006 and By-law No. 798-2012, with respect to the lands municipally known as 7-11, 13-15, 19-25, 29, 33-35 and part of 45 Zorra Street.

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 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 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, 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 the former City of Etobicoke Zoning Code, 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 lands and the City of Toronto;

The Council of the City of Toronto enacts:

1. That the Zoning Map referred to in Section 320-5, Article II of the Etobicoke Zoning Code, originally attached to the Township of Etobicoke By-law No. 11737 be and the same is hereby amended by changing the classification of the lands located in the former Township of Etobicoke as described in Schedule 'A1' annexed hereto, for lands municipally known as 29 Zorra Street from Industrial Class 1 (I.C1) to Open Space (OS).
2. Schedules 'A1' and 'B1' of By-law Nos. 747-2006 and 798-2012 are hereby repealed and replaced with Schedules 'A1', 'B1' and 'B2' attached hereto.

3. Development Standards

(a) Density

- (i) The maximum Floor Space Index (FSI) shall be 3.8 times the gross lot area of the lands identified on Schedule 'A1'. The gross lot area includes all lands to be dedicated for public purposes such as roads and parks.
- (ii) The maximum number of residential units shall be 1,652 for the lands identified on Schedule 'A1'.
- (iii) In addition to the above, the maximum number of units for the lands zoned R6 on Schedule 'A1' shall be as follows:
 - (A) lands north of Street B: 520 units; and
 - (B) lands south of Street B: 915 units.

4. Notwithstanding Section 5(iii) of By-law No. 747-2006, as amended, a minimum of 1 type G loading space per tower shall be provided to a maximum of 2 Type G loading spaces for Towers A, B and C on Schedule 'B1'.

5. That Section 8 of By-law No. 798-2012 is hereby repealed and replaced with the following:

8. Section 37

The density and height of development permitted by this by-law for lands zoned R6 north of Street B as shown on Schedule 'A1' is subject to the owner of the land, at its expense, providing the following cash contributions to the City toward specific capital facilities and other facilities, services and matters pursuant to Section 37 of the *Planning Act* as follows:

- (a) the community benefits are as follows:
 - (i) \$400,000 from the owner to be used as follows for the first 459 dwelling units:
 - \$200,000 for local park improvements, to be paid within 90 days of enactment of the Zoning By-law; and
 - \$200,000 for local park improvements, streetscape improvements, public art or affordable housing paid prior to the issuance of the first above-grade building permit for lands zoned R6 north of Street B as shown on Schedule 'A1', and indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the day the payment is made.

The cash contribution to be secured for each community benefit will be determined by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.

- (ii) For any dwelling units above 459 constructed to be on the lands zoned R6 north of Street B as shown on Schedule 'A1' to the maximum permitted by this Zoning By-law, the owner shall provide a cash contribution to the City for the additional units based on a per unit rate of \$1,275 per unit to be credited to the amount to be paid for the lands zoned R6 south of Street B as shown on Schedule 'A1'.

- (b) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

- noise and wind mitigation measures and warning clauses, if necessary be addressed prior to site plan approval

The owner of the lands included in this by-law shall enter into an agreement with the City pursuant to Section 37 of the *Planning Act* to further secure the above noted matters, such agreement to be registered on title to the lands to the satisfaction of the City Solicitor.

- 6. That notwithstanding the amendment to Section 8(a)(i) of By-law No. 798-2012 as set out above, the first \$200,000 cash contribution has already been paid to the City by the owner, having been provided within 90 days enactment of By-law No. 798-2012. Accordingly, the remaining cash contributions required as per the amendment to Section 8(a)(i) of By-law No. 798-2012 via this Zoning By-law Amendment are limited to and shall be paid as follows:

- (a) The \$200,000 cash contribution to the City for local park improvements, streetscape improvements, public art and/or affordable housing shall be paid prior to the issuance of the first above-grade building permit for lands zoned R6 north of Street B as shown on Schedule 'A1', and indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement entered into with respect to By-law No. 798-2012 being, June 6, 2012, to the day the payment is made.
- (b) A per unit rate of \$1,275 per unit shall be paid to the City as a cash contribution for any residential dwelling above 459 on the lands zoned R6 north of Street B as shown on Schedule 'A1' within 30 days of enactment of this by-law, thereby confirming the maximum number of units for the lands zoned R6 north of Street B as shown on Schedule 'A1' is 520 units, subject to compliance with this By-law. The cash contribution to be paid pursuant to this subsection 6.b. of the By-law shall be credited to the cash contribution to be paid for the lands zoned R6 south of Street B as shown on Schedule 'A1'.

7. Pursuant to Section 37 of the *Planning Act* and subject to compliance with this by-law the increase in height and density of development on the lands zoned R6 on Schedule 'A1' is permitted in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Schedule "C" hereof 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.
8. Where Schedule "C" of this by-law requires the owner to provide certain facilities, such services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
9. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this by-law unless all provisions of Schedule "C" are satisfied.
10. Notwithstanding any severance, partition or division of the lands shown on Schedule 'A1', the regulations of this by-law shall continue to apply to the whole of the lands as if no severance, partition or division had occurred.
11. Within the lands shown on Schedule 'A1' 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 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.
12. Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include reference to the by-law by adding the following to Section 324.1, Table of Site Specific By-laws.

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
1315-2015 December 10, 2015	7-11 Zorra Street; 13-15 Zorra Street; 19-25 Zorra Street; 29 Zorra Street; 33-35 Zorra Street; and Part of 45 Zorra Street.	To rezone the lands to permit additional residential units and increased height and density.

Enacted and passed on December 10, 2015.

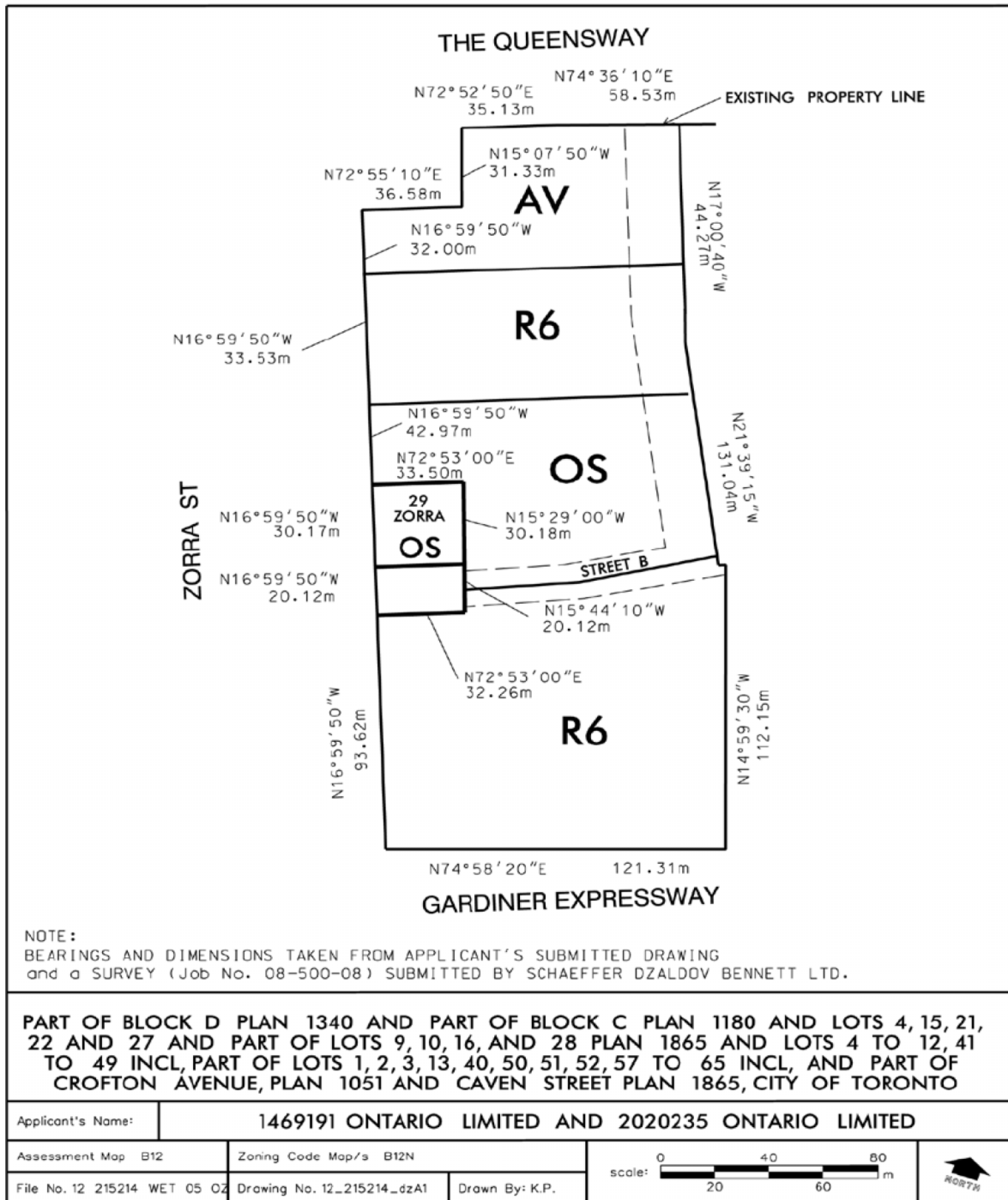
Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

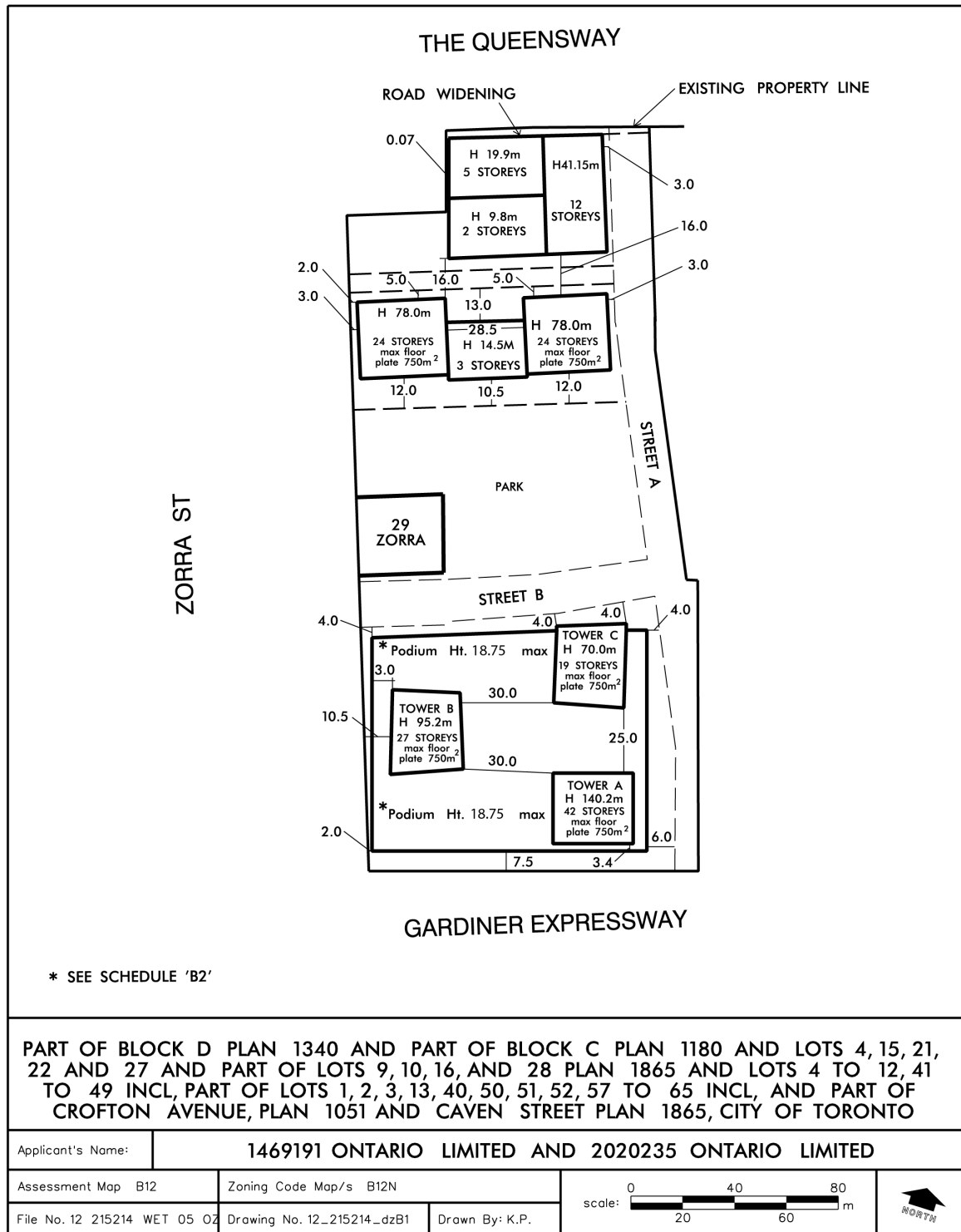


Schedule 'A1' BY-LAW

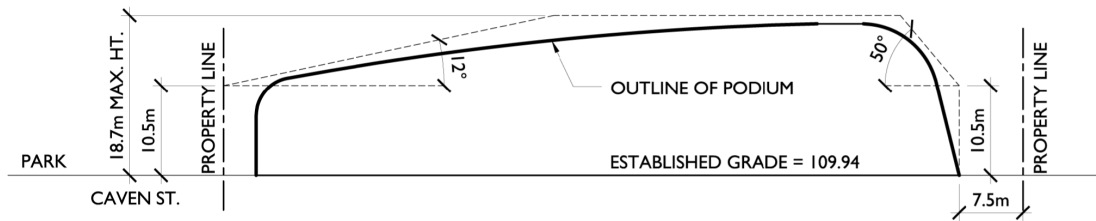




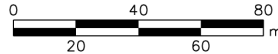

Schedule 'B1' BY-LAW



Schedule 'B2' BY-LAW



PART OF BLOCK D PLAN 1340 AND PART OF BLOCK C PLAN 1180 AND LOTS 4, 15, 21, 22 AND 27 AND PART OF LOTS 9, 10, 16, AND 28 PLAN 1865 AND LOTS 4 TO 12, 41 TO 49 INCL, PART OF LOTS 1, 2, 3, 13, 40, 50, 51, 52, 57 TO 65 INCL, AND PART OF CROFTON AVENUE, PLAN 1051 AND CAVEN STREET PLAN 1865, CITY OF TORONTO

Applicant's Name:	1469191 ONTARIO LIMITED AND 2020235 ONTARIO LIMITED		
Assessment Map B12	Zoning Code Map/s B12N		scale:  m 
File No. 12 215214 WET 05 02	Drawing No. 12_215214_dzB2	Drawn By: K.P.	

SCHEDULE "C"
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 height and density of the proposed development on the Lands and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

1. Prior to the issuance of the first above-grade building permit for lands zoned R6 north of Street B as shown on Schedule 'A1', the owner shall provide a cash contribution to the City in the amount of \$200,000 to be allocated for local park improvements, streetscape improvements, public art or affordable housing. The cash contribution to be secured for each community benefit will be determined by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
2. In addition to the foregoing, for any dwelling unit above 459 constructed on the lands zoned R6 north of Street B as shown on Schedule 'A1' to the maximum permitted by this by-law, the owner shall provide a cash contribution to the City for the additional units based on a per unit rate of \$1,275 per unit, which shall be credited to the amount to be paid for the Phase 3 development as outlined in Section 3 below. This cash contribution shall be provided to the City within thirty (30) days of this by-law being enacted.
3. Prior to the issuance of the first above-grade building permit for all or any part of Towers A, B and C and the podium shown on Schedules 'B1' and 'B2' hereto being on lands zoned R6 south of Street B as shown on Schedule 'A1' ("Phase 3"), the owner shall provide a cash contribution to the City in the amount of \$1,250,000 to be allocated to capital improvements that will benefit the community in the vicinity of the project such as, but not limited to, non-profit licensed daycare facilities, community centres, recreation facilities, libraries, arts related community space, local streetscape improvements, shopthequeensway.com BIA capital projects, or public parks in the area, excluding the public park to be developed on the larger development block, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.

Prior to the issuance of the first above-grade building permit for Phase 3, the City at its sole discretion may opt to forego the \$1,250,000 cash contribution noted above and instead require the provision of approximately 275 square metres of community space within the development on terms and conditions to be set out in the Section 37 Agreement, including but not limited to an allowance of \$220 per square metre to be provided by the owner to the City for interior finishes or improvements for the unit, such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto calculated from the date of the Section 37 Agreement to the day the payment is made.

4. The above noted cash contributions in Sections 2 and 3 are to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the day the payment is made.

5. In the event the cash contributions referred above have 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, 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.
6. The provision of a public park having a minimum size of 998 square metres is recommended to be secured in the Section 37 Agreement as a means of legal convenience on terms and conditions set out therein to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor.
7. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - (i) The owner shall be required to certify to the Chief Planner and Executive Director, City Planning, prior to condominium registration, that the recommendations of the Environmental Noise Feasibility Study prepared by Valcoustics Canada Ltd., dated July 17, 2014, have been implemented to meet the Ministry of Environment noise guideline limits, including:
 - (A) The provision of air conditioning for all dwellings;
 - (B) Upgraded windows and/or design measures;
 - (C) Upgraded exterior wall construction; and
 - (D) Warning clauses in property and tenancy agreements and offers of purchase and sale to inform future residents of traffic noise.
 - (ii) The owner shall submit either a certified cheque or a Letter of Credit in the amount of \$287,000 and in a form acceptable to the General Manager, Transportation Services, to cover the costs associated with:
 - (A) Installing the proposed left turn phasing/traffic signal hardware modifications at the existing The Queensway/Kipling Avenue intersection;
 - (B) Removing the unwarranted traffic control signals at The Queensway/Zorra Street intersection;
 - (C) Installing new traffic control signals at The Queensway/Caven Street/Nordin Street intersection; and
 - (D) Installing traffic signal hardware modifications at the existing The Queensway/Islington Avenue intersection.
 - (iii) The owner shall submit revised drawings of the required left turn storage lane extension on Islington Avenue to 85.0 metres, and post an additional security if

required, to the satisfaction of the General Manager, Transportation Services for the purpose of carrying out said work.

- (iv) If required by the Executive Director, Engineering and Construction Services, in consultation with the City Solicitor, the owner shall enter into an amending subdivision agreement with respect to the works set out in paragraphs (ii) and (iii) above.
- (v) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard.