

Authority: Scarborough Community Council Item SC15.29, as adopted by City of Toronto Council on July 12, 13, 14 and 15, 2016

CITY OF TORONTO

BY-LAW 306-2017

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2016 as 65 and 67 Livingston Road.

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 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 height and 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 height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 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 569-2013, Chapter 800 Definitions.
3. Zoning By-law 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 RM (d. 0.33) (x8) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands shown on Diagram 4 attached to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: RM (d0.40) (x8), as shown on Diagram 4.

5. Zoning By-law 569-2013, as amended, is further amended by adding the lands shown on Diagram 3 attached to this By-law to the Policy Areas Overlay Map in Section 995.10.1 and to the Rooming House Overlay Map in Section 995.40.1.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands shown on Diagram 5 attached to this By-law to the Lot Coverage Overlay Map in Section 995.30.1, and applying the lot coverage label of 33 percent as shown on Diagram 5.
7. Zoning By-law 569-2013, as amended is further amended by adding the lands as shown on Diagram 6 attached to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height label to these lands: HT 10.0, as shown on Diagram 6.
8. Zoning By-law 569-2013, as amended, is further amended by deleting Article 900.10.10 Exception Number 57 and adding Article 900.6.10 Exception Number 8 so that it reads:

Exception RM8

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) If the requirements of By-law 306-2017 are complied with, none of the provisions of regulations 10.80.40.10 (I), and 10.80.40.40 (1) apply to prevent the erection or use of a **building structure**, addition of enlargement for a **retirement home** permitted in regulations (B) to (M) below;
- (B) The conditions in regulation 10.80.20.100 (8) do not apply to a **retirement home** permitted in accordance with (A) above;
- (C) Despite regulation 10.80.40.10 (1), the permitted maximum height of a **building or structure** is the numerical value, in metres, following the letters "HT" on Diagram 7 of By-law 306-2017;
- (D) Despite regulation 10.80.40.10(3), the permitted maximum number of storeys for a **building or structure** is the numerical value following the letters "ST" on Diagram 7 of By-law 306-2017;
- (E) Despite regulation 10.80.30.40 (1), the maximum permitted lot coverage is 40 percent;
- (F) Despite regulation 10.80.40.40 (1), the permitted maximum **gross floor area** is 16,845 square metres;
- (G) Despite regulation 10.80.40.70 (1), the required minimum **front yard setback** is 3.8 metres;

- (H) Despite regulation 10.80.40.70 (2), the required minimum north **side yard setback** is 7.5 metres and the required minimum south **side yard setback** is 24 metres;
- (I) Despite regulation 10.80.40.70 (3), the required minimum **rear yard setback** is 7 metres;
- (J) The required minimum indoor **amenity space** is 1,810 square metres;
- (K) Despite Clause 10.5.40.50, the following parts of a **building** may be no closer than 21 metres from the south **side lot line**, 2.5 metres from the north **side lot line**, 2.5 metres from a **front lot line** and 2.5 metres from the **rear lot line**:
 - (i) a roof, porch, portico, canopy of other similar **structure** including structural supports;
 - (ii) a deck, balcony, terrace, privacy screen, railing, **green roof** or other similar **structure** attached to the **building**; and
 - (iii) a pilaster, decorative column, cornice, sill, belt course of other similar architectural feature on the **building**; and
- (L) The required minimum number of **bicycle parking spaces** is 21 provided as follows:
 - (i) 9 "long term" **bicycle parking spaces**; and
 - (ii) 12 "short term" **bicycle parking spaces**.
- (M) Despite Article 10.80.20, an **eating establishment** is permitted if:
 - (i) it is associated with the **retirement home** permitted in accordance with (A) above; and
 - (ii) the **interior floor area** of the **eating establishment** does not exceed 80 square metres

Prevailing By-laws and Prevailing Sections: (None Apply)

9. Section 37 Provisions

- A. Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 2 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.
- C. 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 A are satisfied.

Enacted and passed on March 29, 2017.

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 height and density of the proposed development on the lands as shown in Diagram 2 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: provide the City with a cash payment of One Hundred and Seventy Five Thousand dollars (\$175,000.00) to be paid by way of certified cheque payable to the Treasurer, City of Toronto, to be directed towards improvements in Ward 43 at, 201 Guildwood Parkway, the Guild Park and Gardens.

\$175,000.00, until paid in full by the Owner to the City, are to be indexed upwardly from the date of the registration of the Agreement in accordance with Statistics Canada Non-Residential Construction Price Index for Toronto CMA, reported quarterly by Statistic Canada in the Construction Price Statistic Publication No. 62-007-ZPB of its successor.

2. In the event the cash contribution(s) referred to in Section 1 applicable 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(s), at the discretion of the Chief Planner and Executive Director of City Planning in consultation with the local Councillor, provided that the purpose is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.













