

Authority: North York Community Council Item NY26.3, as adopted by City of Toronto Council on December 5, 6, 7 and 8, 2017

CITY OF TORONTO

BY-LAW 317-2018

To amend former City of North York Zoning By-law 7625, as amended, with respect to the lands municipally known as 1648-1682 Victoria Park Avenue.

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 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 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 density permitted beyond that otherwise permitted on the aforesaid lands by By-law 7625, 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. Schedules "B" and "C" of By-law 7625 of the former City of North York are amended in accordance with Schedule 1 of this By-law.
2. Section 64.19 of By-law 7625 of the former City of North York is amended by adding the following subsection:

64.19(32) RM4(32)

PERMITTED USES

- (a) For the lands shown on Schedule 1, the only permitted uses shall be multiple attached **dwelling**s, a temporary rental office and temporary sales office.

DEFINITIONS

- (b) For the purpose of this exception the following definitions will apply:

Established Grade shall mean 156.00 metres Canadian Geodetic Datum.

Floor Area, Gross shall mean the total area of all of the floors in a building above or below grade measured from the outside of the exterior walls but excluding, parking, loading and bicycle parking below established grade, storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement, indoor amenity space required by this By-law, elevator shafts; garbage shafts, and exit stairwells in the building.

Landscaping shall mean an area used for trees, plants, decorative stonework, retaining walls, walkways, or other landscape or architectural elements. Driveways and areas for loading, parking or storing of vehicles are not landscaping.

Soft Landscaping shall mean landscaping excluding hard-surfaced areas such as decorative stonework, retaining walls, walkways, or other hard-surfaced landscape-architectural elements.

Lot shall mean the area identified within the heavy black lines on Schedule 1 of this By-law, known as Part of Block B, Registered Plan M-683 and Part of South Half of Lot 2, Concession 4, East of Yonge Street, City of Toronto.

For the purposes of this exception, "multiple attached **dwelling**s" shall mean a building containing more than four (4) dwelling units, each unit having access from both an internal corridor system and/or directly from the outside or any combination thereof;

EXCEPTION REGULATIONS

- (c) The permitted maximum number of **dwelling units** is 147;
- (d) The minimum **yard** setbacks shall be as shown on Schedule 2;
- (e) Notwithstanding Sections 2(d), 2(f) and 2(h) below, no part of any building or structure erected or used above finished ground level shall be located otherwise than wholly within the area delineated by heavy lines on Schedule 2, with the exception of the following:
- (i) The **parking garage** and a platform, porch or deck above it may project vertically above **established grade** no higher than 1.6 metres and may encroach into the permitted minimum **rear yard setback** behind **buildings "C" and "D"** shown on Schedule 2 attached to By-law 317-2018 to a maximum of 7.880 metres, measured with a line parallel to the south

- lot** line, and a maximum of 23 metres, measured with a line parallel to the west **lot** line;
- (ii) Eaves, cornices, lighting fixtures, windows, window sills and other minor architectural projections are permitted to project into the minimum **yard** setbacks and setbacks between **buildings** on the **lot** a maximum of 0.5 metres;
 - (iii) Vents, balconies, awnings, canopies, porches, pergolas, access stairs for parking garage and wheelchair ramps are permitted to project into the minimum **yard** setbacks and setbacks between **buildings** on the **lot** a maximum of 2.5 metres, and pergolas may also project vertically above finished ground level by no more than 2.75 metres;
 - (iv) Decks shall be permitted to project into the minimum front yard and rear **yard** setbacks not more than 3 metres, with the exception of a platform associated with the outdoor amenity space, which may encroach into the required **rear yard setback** to a maximum length of 7.880 metres measured with a line parallel to the south **lot** line, and a maximum length of 12.5 metres, measured with a line parallel to the west lot line;
 - (v) Ornamental cladding may project horizontally beyond the building envelope to a maximum of 0.2 metres;
- (f) The minimum distance required between **buildings** shall be as shown on Schedule 2;
 - (g) The maximum **gross floor area** shall be 16,150 square metres;
 - (h) The maximum **building height** shall be 15.5 metres and 5 **storeys**;
 - (i) The maximum lot coverage shall be 51 percent;
 - (j) The one bedroom **dwelling units** may have a minimum floor area of no less than 48.60 square metres;
 - (k) **parking spaces** shall be provided in accordance with the following minimum requirements:
 - (i) minimum 0.9 **parking spaces** per unit for 1-bedroom units;
 - (ii) minimum 1.0 **parking spaces** per unit for 2-bedroom units;
 - (iii) minimum 1.2 **parking spaces** per unit for 3-bedroom units;
 - (l) A minimum of 0.2 visitor **parking spaces** per **dwelling unit** shall be provided;
 - (m) Resident bicycle **parking spaces** must be provided at a rate of 0.9 for each **dwelling unit**;

- (n) Visitor bicycle **parking spaces** must be provided at a rate of 0.1 per **dwelling unit**;
- (o) A minimum of 2,750 square metres of the **lot** shall consist of **landscaping** and 1250 square metres of the **lot** shall consist of **soft landscaping**;
- (p) With the exception of roofing materials, parapets, privacy screens and minor/limited architectural projections such as roofs or exterior walls, no portion of any building shall exceed a 45 degree angular plane measured from established grade at the west lot line;
- (q) A minimum of 300 square metres of indoor amenity space shall be provided; and
- (r) A minimum of 780 square metres of outdoor amenity space shall be provided.

SECTION 37

- (s) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in density of the development is permitted beyond that otherwise permitted on the lands shown on Schedule 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.
- (t) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of an above grade building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (u) The owner shall not use, or permit the use of, a building or structure erected with an increase in density pursuant to this By-law unless all provisions of Schedule A are satisfied.

LAND DIVISION

- (v) Notwithstanding any severance, partition or division of the **lot**, the regulations of this exception shall continue to apply to the whole of said **lot** as if no severance, partition or division has occurred.

PROVISIONS NOT APPLICABLE

- (w) The provisions of Sections 6(9), 16, 19.1(b)(i), and 15.8 of By-law 7625 shall not apply to the lot shown on Schedule 1.
3. Section 64.19 of By-law 7625 is amended by adding Schedule 1 and 2 attached.

4. 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:
- (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.

Enacted and passed on March 27, 2018.

Frances Nunziata,
Speaker

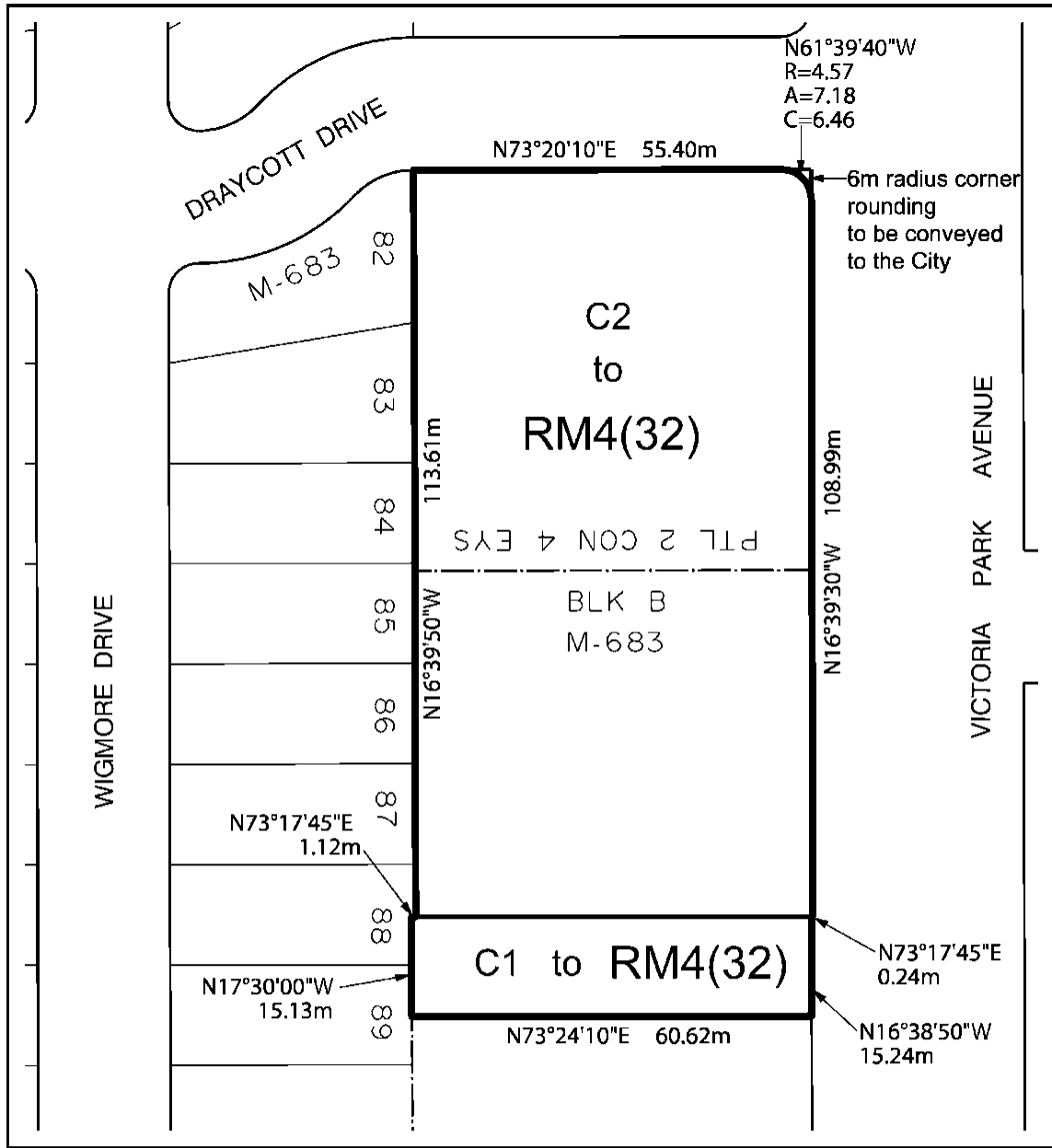
Ulli S. Watkiss,
City Clerk

(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 density of the proposed development on the lands as shown on Schedule 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 make a financial contribution to the City in the amount of \$850,000.00 to be allocated as follows at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor:
 - (a) \$850,000.00 to be directed towards improvements in Wigmore Park; with such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
- (2) In the event the cash contribution referred to in Section (1) 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 is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- (3) Prior to the issuance of an above grade building permit, the Owner shall design, construct and pay for any necessary improvements to the municipal infrastructure external to the lands shown on Schedule 1, including replacement of approximately 67.7 metres of 300 millimetre sanitary sewer with 450 millimetre diameter sanitary sewer, in the Anewen Greenbelt/Charles Sauriol Conservation Area in the Don River Valley, between MH4312719532 and MH4312919464 (the "Sanitary Pipe Improvements"), in accordance with the Functional Servicing Report, prepared by a.m. candaras associates inc., dated January 12, 2018, as accepted by the Chief Engineer and Executive Director of Engineering and Construction Services and the General Manager of Toronto Water. The final technical details and detailed engineering design of the Sanitary Pipe Improvements will be finally determined and approved, to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services, in an Infrastructure Agreement, to be entered into between the Owner and the City prior to the issuance of an above grade building permit.



Schedule 1

Part of Block B, R.P. M-683 and part of south half of Lot 2, Con. 4, E.Y.S., City of Toronto

File # 15 170321 NNY 34 02

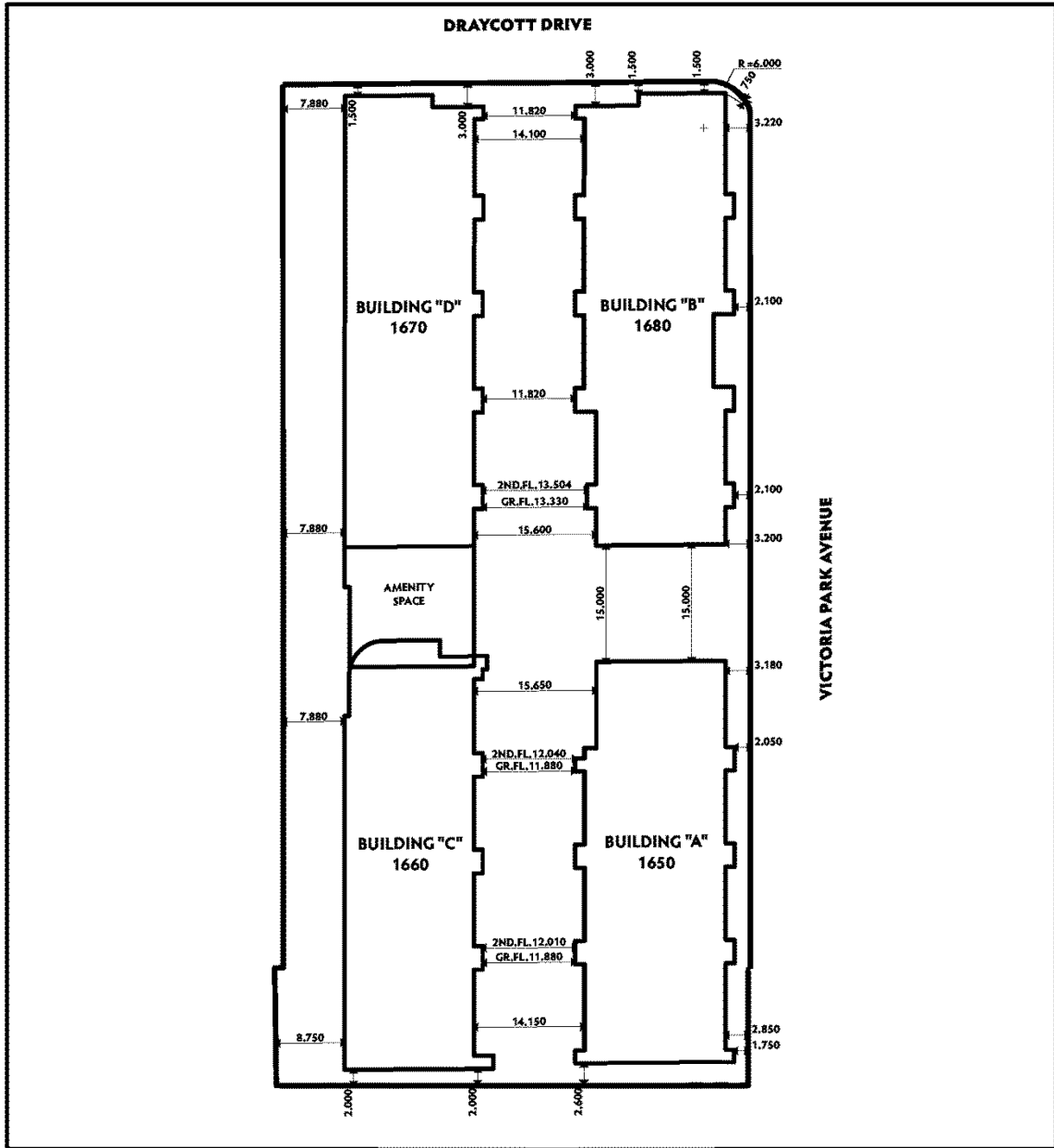
R. Avis Surveying Inc.

Date: 08/09/2017

Approved by: J.L.



Not to Scale



Schedule 2

Applicant's submitted drawing

File # 15 170321 NNY 34 0Z

Date: 03/13/2018
Approved by: J.L.

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Not to Scale