

Authority: North York Community Council Item NY29.2, as adopted by City of Toronto Council on April 24, 25, 26 and 27, 2018

CITY OF TORONTO

BY-LAW 614-2018

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known as 71-75 Curlew Drive in the year 2018.

Whereas Council of the City of Toronto has the authority to pass this By-law pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended; 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, 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 569-2013, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are secured by one or more agreements between the owner of the land and the City of Toronto; and

Whereas pursuant to Section 39 of the Planning Act, the council of a Municipality may, in a by-law passed under section 34 of the Planning Act, authorize the temporary use of land, buildings, or structures for any purpose set out therein that is otherwise prohibited by the by-law;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy 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 lines to O and RM (x.62) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.6.10 Exception Number 62 so that it reads:

Exception RM 62

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 the lands municipally known as 71 and 75 Curlew Drive in 2018, if the requirements in Section 5 and Schedule A of By-law 614-2018 are complied with, none of the provisions of 10.80.40.10(1) and 10.80.40.40(1) apply to prevent the erection or use of a **building, structure**, addition or enlargement permitted in compliance with (B) to (DD) below;
- (B) Despite regulation 10.80.30.20(1) the required minimum **lot frontage** is 135 metres;
- (C) The permitted maximum number of **dwelling units** is 222;
- (D) Despite regulation 10.80.40.40 (1), the permitted maximum **gross floor area** is 19,600 square metres;
- (E) Despite regulation 10.5.40.10 (1) the height of a **building or structure** on the lands is measured as the vertical distance between the Canadian Geodetic Datum elevation of 155.90 metres and the highest point of the **building or structure**;
- (F) Despite 10.80.40.10 (1) the permitted maximum height for a **building or structure** is the numerical value, in metres, following the letters HT as shown on Diagram 3, attached to By-law 614-2018;
- (G) Despite (F) above and regulation 10.5.40.10 (4), privacy screens, utility enclosures, and parapets on the roof of a **building** may exceed the permitted maximum height as shown on Diagram 3, attached to By-law 614-2018 to a maximum of 1.5 metres;
- (H) Despite (F) above, external elevating devices, external stairs and associated enclosures, all located at the finished ground level, guardrails, balustrades, and railings leading to an underground **parking garage** which are permitted to encroach into the required **building setbacks** and separation distances may have a height no greater than 5.0 metres;

- (I) Despite Clause 10.80.40.70, the required minimum **building setbacks** for all **buildings** and **structures** are as shown on Diagram 3, attached to By-law 614-2018;
- (J) Despite (I) above and regulation 5.10.40.70 (2), no minimum **front yard setback**, **side yard setback**, or **rear yard setback** is required for any part of an underground **parking garage**;
- (K) Despite Clause 10.80.40.80, the required minimum above-ground separation distance between the **main walls** of **buildings** is as shown on Diagram 3, attached to By-law 614-2018;
- (L) Despite (I) and (K) above, and despite regulation 10.5.40.50(2), and Clause 10.5.40.60, the following may encroach into the required minimum **front yard setback**, minimum **side yard setback** or separation distances shown on Diagram 3 of By-law 614-2018 as follows:
 - (i) decks, porches, platforms, and privacy screens to a maximum of 1.5 metres;
 - (ii) awnings and canopies to a maximum of 1.5 metres;
 - (iii) architectural features, masonry features and eaves to a maximum of 0.9 metres;
 - (iv) balconies to a maximum of 1.5 metres;
 - (v) window projections and bay windows to a maximum of 0.6 metres;
 - (vi) vents and pipes to a maximum of 0.6 metres; and
 - (vii) ornamental non-structural window frames to a maximum of 1.1 metres;
- (M) Despite (I) and (K) above, and despite regulation 10.5.40.50(2), and Clause 10.5.40.60, the following may encroach into the required minimum **side yard setback** or separation distances shown on Diagram 3 of By-law 614-2018 as follows:
 - (i) exterior stairs, pedestrian access ramp and elevating device up to a maximum of 1.5 metres;
- (N) Despite (I) above and despite regulation 10.5.40.50(2), and Clause 10.5.40.60, the following may encroach into the required minimum **rear yard setbacks** as shown on Diagram 3 of By-law 614-2018 as follows:
 - (i) non-structural awnings and canopies to a maximum of 1.5 metres;

- (ii) exterior stairs and pedestrian access ramps providing access to the below grade level up to a maximum of 1.5 metres;
 - (iii) non-structural architectural features, masonry features and eaves to a maximum of 0.9 metres;
 - (iv) vents and pipes to a maximum of 0.6 metres;
 - (v) non-structural railings to a maximum of 0.5 metres; and
 - (vi) non-structural ornamental window frames to a maximum of 1.1 metres;
- (O) Despite regulation 10.5.50.10 (4) and (6), the minimum required **landscaping** on the lot is 5,800 square metres; and a minimum of 2,300 square metres of the required **landscaping** must be **soft landscaping**;
- (P) Despite regulations 10.5.60.20(2) and (3), the required minimum **building setbacks** and separation distances for **ancillary buildings** or **structures** are as shown on Diagram 3, attached to By-law 614-2018;
- (Q) Despite regulation 10.5.60.40(1), the height of an **ancillary building** or **structure** is measured as the vertical distance between the Canadian Geodetic Datum elevation of 155.90 metres and the highest point of the **ancillary building** or **structure**;
- (R) Despite regulation 10.5.60.40(2) the permitted maximum height for an **ancillary building** or **structure** is the numerical value, in metres, following the letters HT as shown on Diagram 3 attached to By-law 614-2018;
- (S) Regulation 10.5.60.50(2), with respect to the maximum **gross floor area** of **ancillary buildings** or **structures** does not apply;
- (T) Despite (P), (Q), and (R) above and regulation 10.5.150.1 (1), **ancillary buildings** or **structures** for the purposes of waste bin collection and storage are permitted;
- (U) Despite regulation 10.5.60.60(1), eaves of a roof of an **ancillary building** may encroach into the required minimum **building setback** a maximum of 0.3 metres;
- (V) Despite regulation 10.5.100.1(4), a **driveway** may have a maximum total width of 7.0 metres;
- (W) Regulations 10.5.100.1 (5), (7) and (8), with respect to **driveway** access do not apply;
- (X) A minimum of 600 square metres of outdoor **amenity space** is required;
- (Y) A minimum of 111.5 square metres of indoor **amenity space** is required;

- (Z) Despite Table 200.5.10.1, the required minimum number of **parking spaces** is:
 - (i) 200 **parking spaces** for the residents of the **dwelling units**; and
 - (ii) 33 **parking spaces** for visitors of the **dwelling units**;
- (AA) Regulations 200.15.1(4), 200.15.1.5 (1), and 200.15.15.4 (2), with respect to location of accessible **parking spaces** do not apply;
- (BB) Regulation 230.5.10.1(2) respecting short term **bicycle parking rates** does not apply;
- (CC) Regulation 230.10.1.20 (2) with respect to location of "short-term" **bicycle parking spaces** does not apply; and
- (DD) A temporary sales office is permitted in a **building** on these lands for a period of 3 years beginning from the date of the passing of By-law 614-2018 for the purposes of marketing and sale of the **dwelling units** permitted on these lands, and no other provision of this By-law applies to prevent a temporary sales office.

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

5. 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 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 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 height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on May 24, 2018.

Frances Nunziata,
Speaker

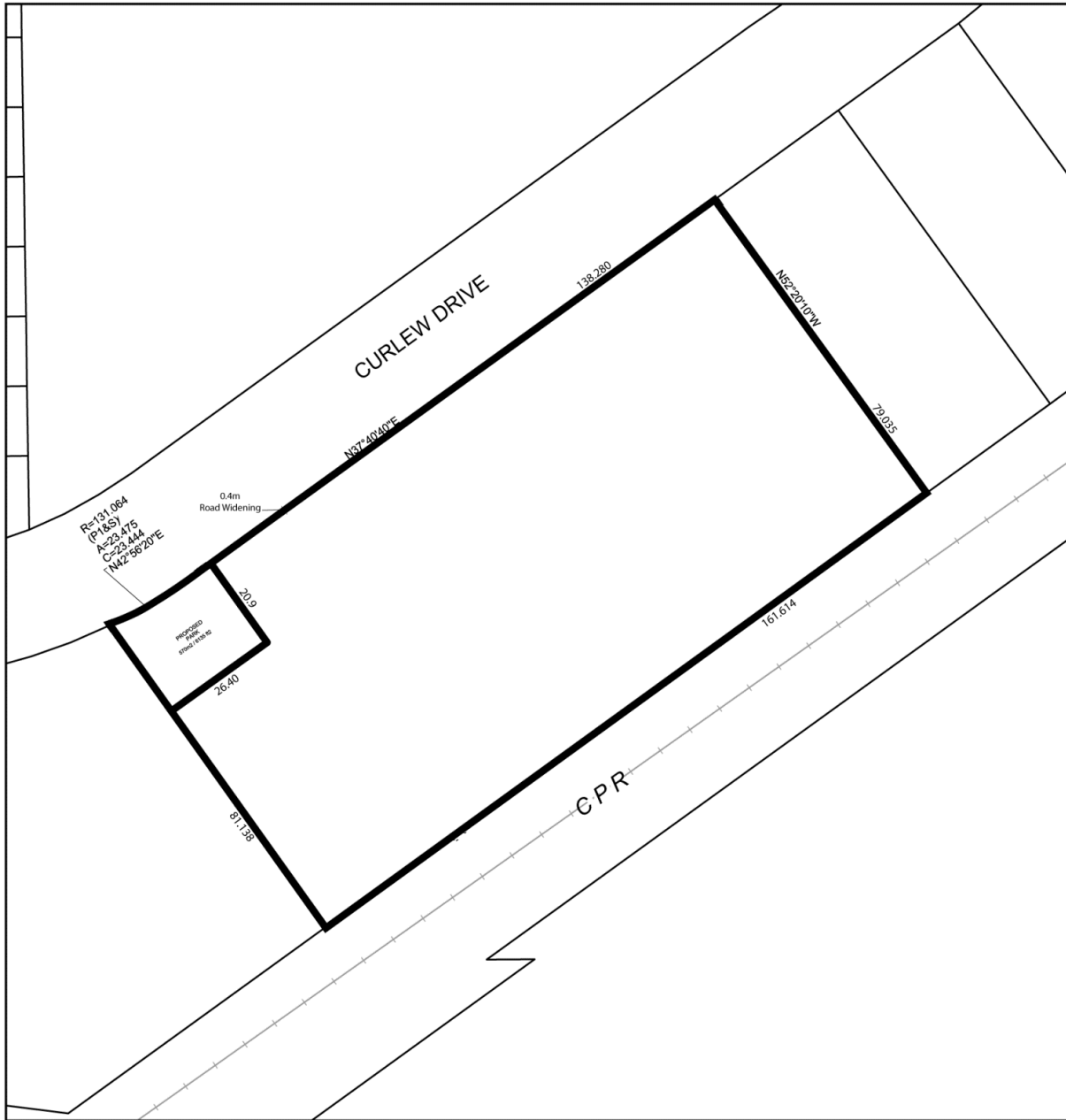
Ulli S. Watkiss,
City Clerks

(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 in 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. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. prior to the issuance of the first above-grade building permit the Owner shall provide a contribution in the amount of \$750,000 to be used towards park improvements at Broadlands Park, including the construction of a new splash pad and pathway improvements;
 - ii. the financial contribution referred to in subsection (i) shall be indexed upwardly in accordance with the Statistics Canada Non-Residential or Apartment-Building-Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made; and
 - iii. in the event the cash contribution referred to in Section (i) 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 purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
2. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - i. prior to the issuance of Notice of Approval Conditions for the Site Plan application, the Owner shall submit a revised rail safety study/ derailment plan, for peer review by the City's peer reviewer, to the satisfaction of the Director, Community Planning, North York District and shall incorporate all measures into the plans and drawings submitted in the context of site plan approval pursuant to s.114 of the City of Toronto Act, 2006, as amended, and s.41 of the Planning Act, as amended and as applicable; and
 - ii. in the event that the proposed grade alterations are not accepted by CP rail, the Owner acknowledges that redesign of the grading and servicing may be required. In this regard the Owner acknowledges that revisions to the built form of the development may be required together with zoning amendments to accomplish a redesign of the proposed grading and servicing approach.

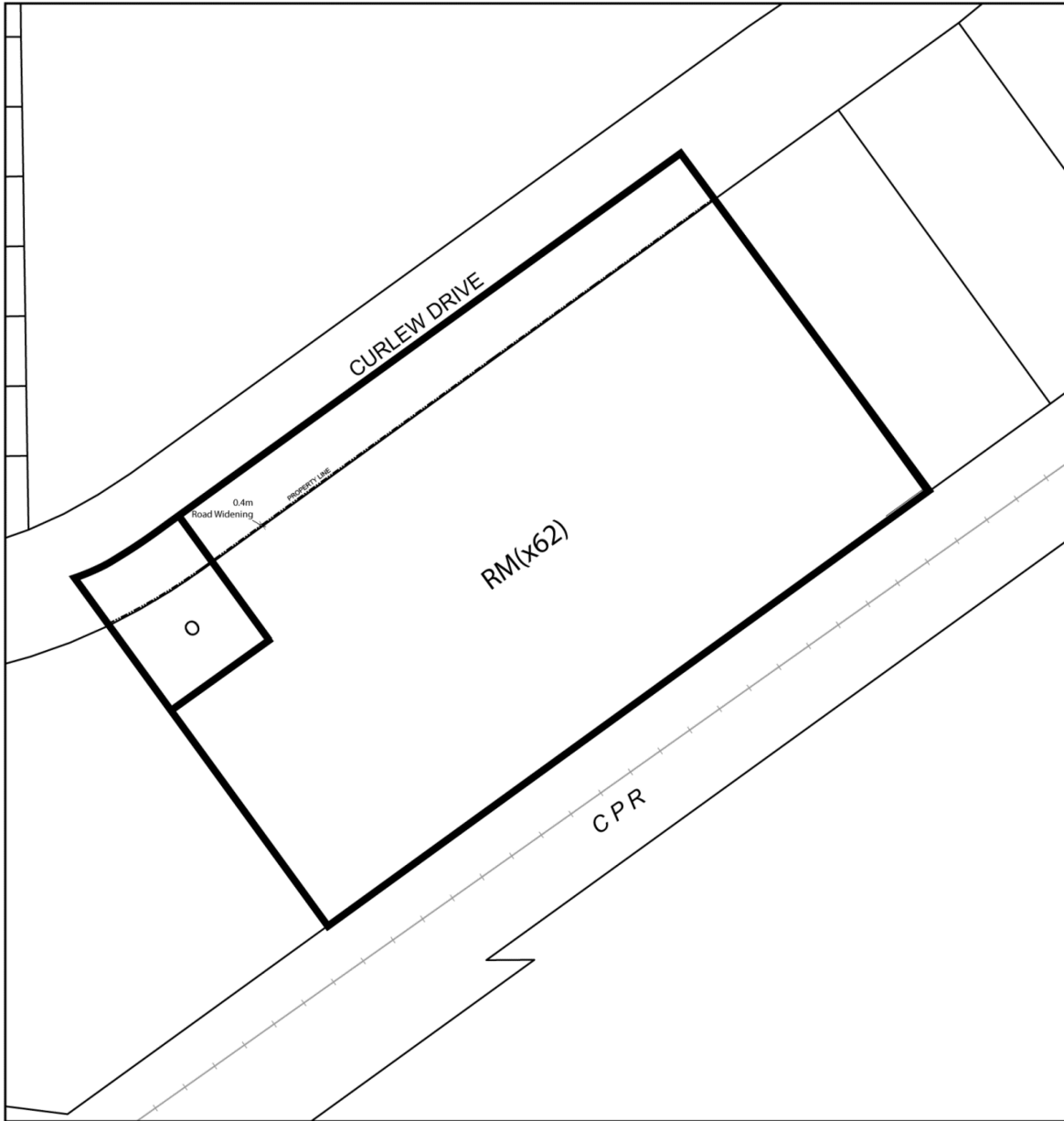


 **TORONTO**
Diagram 1

71-75 Curlew Drive

File # 17145887 NNY 34 0Z

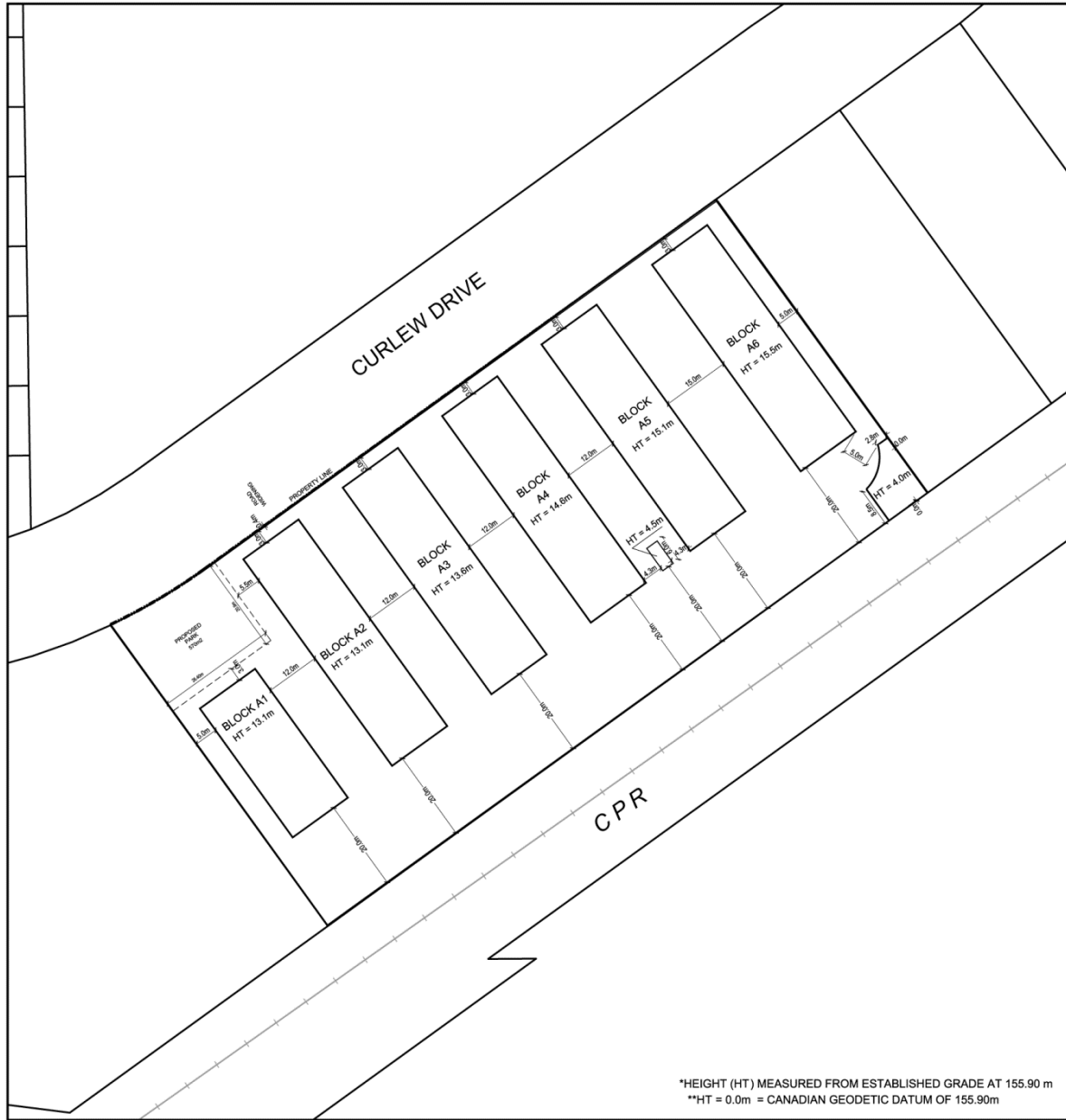

City of Toronto By-Law 569-2013
Not to Scale
2/28/2018



 **TORONTO**
Diagram 2

71-75 Curlew Drive


File # 17145887 NNY 34 0Z



 **TORONTO**
Diagram 3

71-75 Curlew Drive

File # 17145887 NNY 34 0Z


City of Toronto By-Law 569-2013
Not to Scale
2/28/2018