

Authority: Local Planning Appeal Tribunal Decision and Order issued on December 24, 2018, and Order issued on August 31, 2020 in Case PL180389

CITY OF TORONTO

BY-LAW 690-2020(LPAT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2018 as 168, 170, 172, 174, 176, 178, 180 and 184 Clonmore Drive.

Whereas the Local Planning Appeal Tribunal, by its decision issued on December 24, 2018 and Order issued on August 31, 2020, in Tribunal Case PL180389 approved amendments to the former City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands;

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 permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013, as amended, is 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;

Now therefore pursuant to the Order of the Local Planning Appeal Tribunal, By-law 569-2013, as amended, is further amended as follows:

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 in heavy black lines to "RM (x79)", 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 79 so that it reads:

Exception RM 79

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 168-184 Clonmore Drive, if the requirements in Section 6 and Schedule A of By-law 690-2020(LPAT) are complied with, the erection or use of a **building, structure**, addition or enlargement is permitted in compliance with (B) to (V) below.
- (B) The permitted maximum number of **dwelling units** is 121.
- (C) Despite regulation 10.80.30.10(1), the required minimum **lot area** is 9,500 square metres.
- (D) Despite regulation 10.80.30.20(1), the required minimum **lot frontage** is 100 metres.
- (E) Despite regulation 10.80.40.40(1), the permitted maximum **gross floor area** is 12,500 square metres.
- (F) Despite regulation 10.80.30.40(1), the permitted maximum **lot coverage** is 41 percent.
- (G) For purposes of this Exception, **established grade** is the Canadian Geodetic Datum elevation of 128.44 metres.
- (H) Despite regulation 10.80.40.10(1), the permitted maximum height of any **building or structure** is 14.5 metres.
- (I) Regulations 10.5.40.10(2), (3) and (4) do not apply.
- (J) Despite regulation 10.80.40.10(3), the number of **storeys** is not limited.
- (K) Despite regulation 10.5.40.70(1) and Clause 10.80.40.70, the required minimum **building setbacks** are as shown on Diagram 3 of By-law 690-2020(LPAT).
- (L) Despite (K) above and regulation 10.5.40.60(3)(A)(i), exterior stairs may encroach into a required minimum **building setback** if the stairs are no longer than 1.55 horizontal units for each 1.0 vertical unit above the ground at the point where the stairs meet the **building or structure**.

- (M) Despite Clause 10.80.40.80, the required minimum above-ground separation distance between the **main walls** of any **building** must comply with the distance in metres specified by the numbers on Diagram 3 of By-law 690-2020(LPAT).
- (N) Despite (M) above, and regulation 10.5.40.60(3)(A)(i), exterior stairs may encroach into a required minimum **building setback** if the stairs are no longer than 1.55 horizontal units for each 1.0 vertical unit above the ground at the point where the stairs meet the **building** or **structure**.
- (O) Despite regulation 10.5.50.10(4), a minimum of 45 percent of the area of the **lot** must be **landscaping**, of which a minimum of 50 percent must be **soft landscaping**.
- (P) Despite regulation 10.5.50.10(5) one walkway is permitted to be 0.8 metres from the **lot** line abutting a **lot** in the Residential Zone category within 14 metres of the **front lot line**, and one walkway may be 0 metres from the **lot** line abutting a **lot** in the Residential Zone category if the walkway is perpendicular to the **lot** line and has a maximum width of 2.1 metres or less.
- (Q) Despite regulation 10.5.100.1(5), (7) and (8), a hammerhead turnaround **driveway** is permitted, with a maximum width of 7.5 metres.
- (R) Despite regulation 200.15.1(1), an accessible **parking space** must have the following minimum dimensions: length of 5.6 metres, width of 3.4 metres and vertical clearance of 2.1 metres.
- (S) The entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path.
- (T) Regulations 200.15.1(4) and 200.15.1.5(1), regarding the location of accessible **parking spaces**, do not apply.
- (U) Outdoor **amenity space** must be provided at a rate of 2.5 square metres for each **dwelling unit**.
- (V) Despite regulation 230.5.1.10(4), the minimum width of a **stacked bicycle parking space** is 0.45 metres.

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

5. The requirements in this By-law apply collectively to the lands shown on Diagram 1 of By-law 690-2020(LPAT).
6. Section 37 Provisions
- (A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height of the development is permitted beyond that otherwise permitted on the lands shown as RM 79 on Diagram 2 attached to this

By-law, in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A of this By-law 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 must not use, or permit the use of a **building** or **structure** erected with an increase in height pursuant to this By-law unless the provisions of Schedule A of this By-law are satisfied.

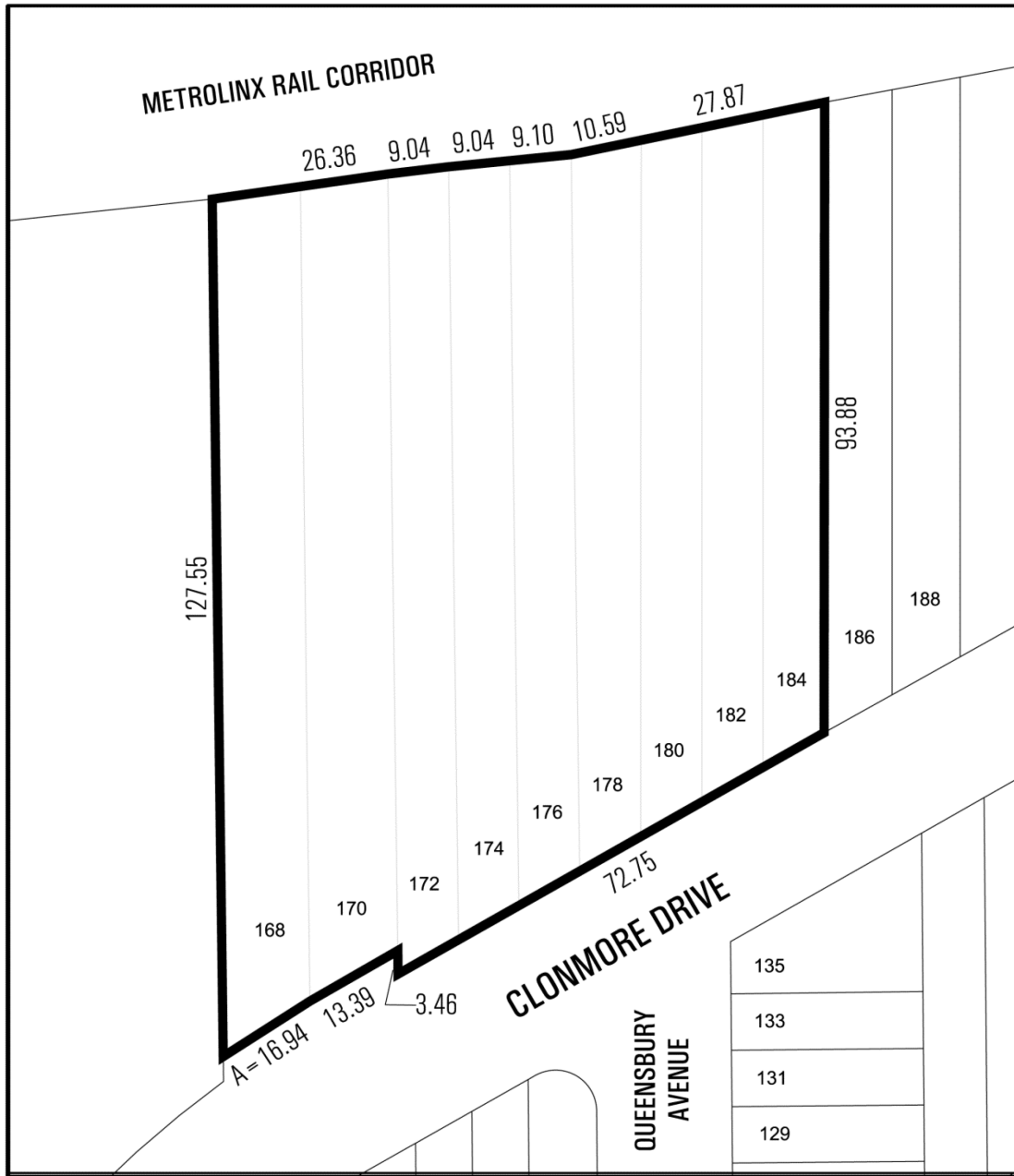
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SCHEDULE A
Section 37 Provisions

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 on Schedule 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act where by the Owner agrees as follows:

- 1.1 Prior to the issuance of the first Above-Grade Building Permit for the Site, the Owner shall pay to the City a cash contribution to the City in the amount of five hundred thousand dollars (\$500,000), subject to upwards indexing as set out in Section 1.2 herein, to be allocated toward the following to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor:
 - 1.1.1 \$250,000 to Parks, Forestry and Recreation for improvements to the Golf Club Parkette at 100 Ferncroft Drive, and
 - 1.1.2 \$250,000 for public realm enhancements in Birch Cliff such as street furnishings, parkette enhancements such as chess tables, and gateway adornments for the Kingston Road and Warden Avenue intersection such as unique pedestrian lighting at the four corners of Kingston Road and Warden Avenue.
- 1.2 The financial contribution identified in Section 1.1 herein shall be paid by certified cheque to the City, and the amount set out in Section 1.1 herein shall be increased by upwards indexing in accordance with the Construction Price Index calculated from the date of this Agreement to the date of payment to the City.
- 1.3 In the event that the cash contribution identified in Section 1.1 has not been used for the intended purpose within three (3) years after the issuance of the first Above-Grade Building Permit for all or any part of the Site, the cash contribution may be redirected for another purpose or purposes, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose or purposes are identified in the Official Plan and will benefit the community in the vicinity of the Site.
- 1.4 Prior to the issuance of the first Above-Grade Building Permit, the Owner shall:
 - 1.4.1 file a Record of Site Condition (the "RSC") on the Ontario Environmental Site Registry for the entire Site;
 - 1.4.2 obtain a Certificate of Property Use that address matters of site condition as set out in Ontario Regulation 153/04, as amended; and
 - 1.4.3 submit to the Chief Engineer and Executive Director, Engineering and Construction Services the Ministry's Letter of Acknowledgement of Filing of the RSC confirming that the RSC has been prepared and filed in accordance with O. Reg. 153/04, as amended, and the Certificate of Property Use.

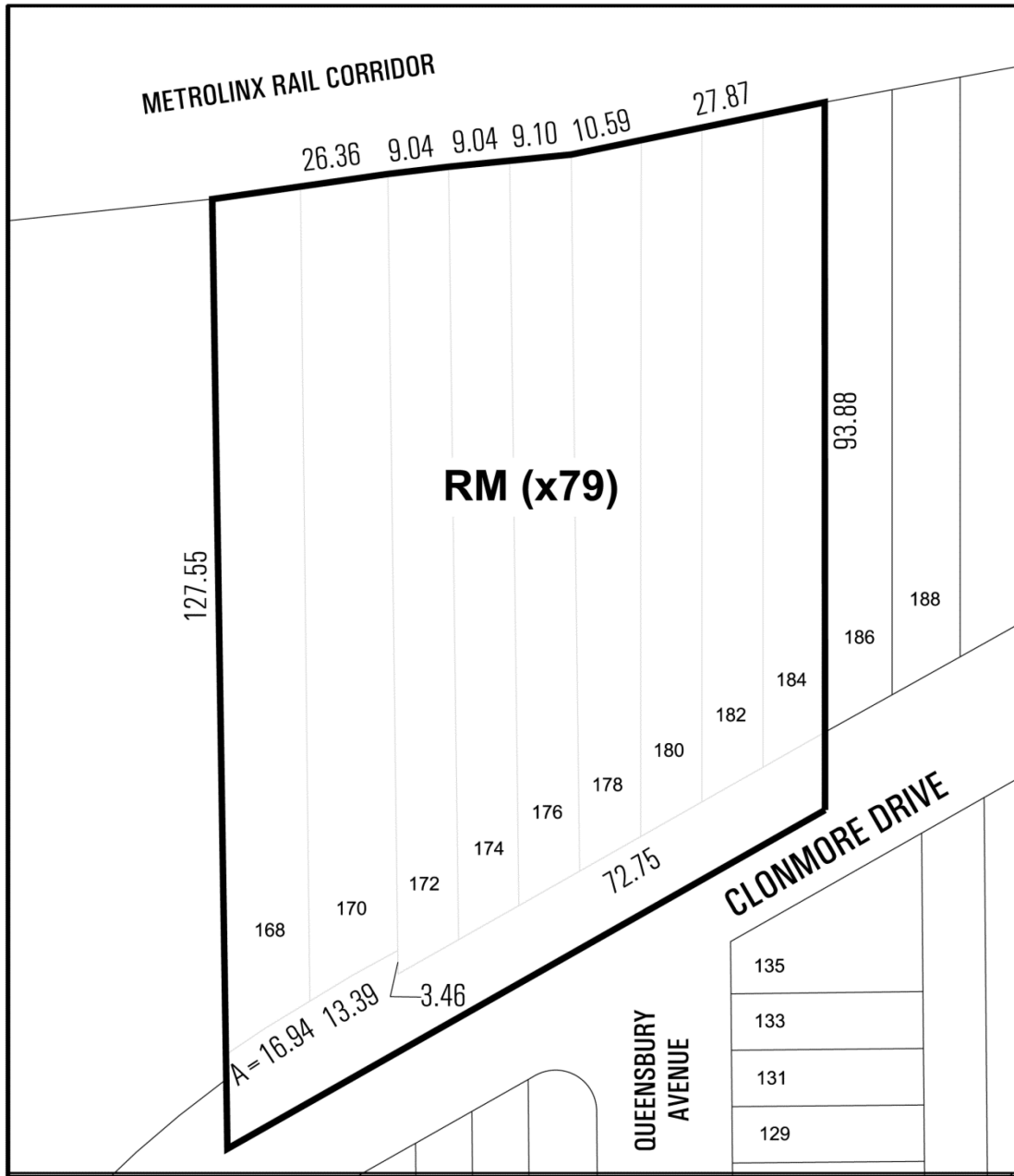
- 1.5 Prior to the earlier of first occupancy for any use, including interim occupancy pursuant to the Condominium Act, 1998 or condominium registration on all or part of the Site, the Owner shall have its Qualified Person certify that methane mitigation measures have been constructed in accordance with the Certificate of Property Use.
- 1.6 The Owner shall construct and maintain the Development in accordance with Tier 1, Toronto Green Standard, Version 2 performance measures.
- 1.7 The Owner shall provide and maintain a twenty-five (25) metre setback to the property line adjacent to the existing Metrolinx rail corridor and a three (3) metre high derailment protection berm in accordance with the recommendations contained in the Derailment Protection Report prepared by Johnson Sustronk Weinstein + Associates dated November 2019 and on file with City Planning Division, Scarborough District.



TORONTO
Diagram 1

168-184 Clonmore Drive

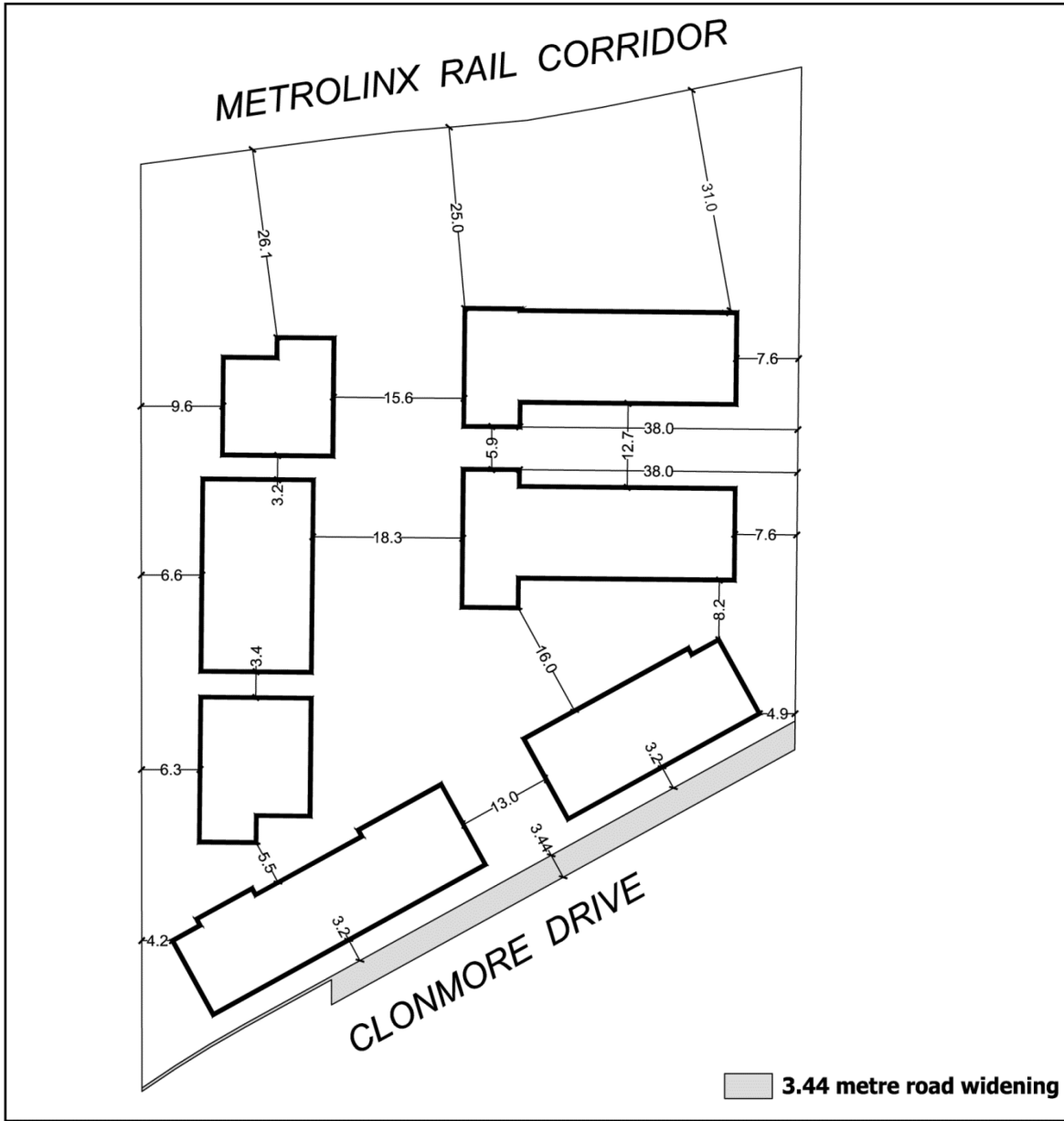
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 **TORONTO**
Diagram 2

168-184 Clonmore Drive


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 **TORONTO**
Diagram 3

168-184 Clonmore Drive

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City of Toronto By-Law 569-2013
Not to Scale
10/31/2019