

Authority: North York Community Council Item NY34.3, adopted as amended, by City of Toronto Council on July 19, 20, 21 and 22, 2022.

CITY OF TORONTO

BY-LAW 1103-2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 70 and 80 Wicksteed Avenue, 202-206 Parkhurst Boulevard and 99 Vanderhoof Avenue.

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, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020., c. 18 ("COVID-19 Economic Recovery Act, 2020") came into force, 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, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, 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

Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters and to enter into an agreement prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of same; 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 said lands by By-law 569-2013, 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 adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: E 1.0 (x66) 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 subject to this By-law to the Policy Areas Overlay Map in Article 995.10.1 and applying no value.
5. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Height Overlay Map in Article 995.20.1, and applying the following height and storey label to these lands: HT 20.0, as shown on Diagram 3 attached to this By-law.
6. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Lot Coverage Overlay Map in Article 995.30.1, and applying no value.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands to the Rooming House Overlay Map in Article 995.40.1, and applying no value.
8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.20.10 Exception Number 66 so that it reads:

(66) Exception E 66

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 at 70 Wicksteed Avenue, 202-206 Parkhurst Boulevard and 99 Vanderhoof Avenue, if the requirements of By-law 1103-2022 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (P) below;
- (B) Despite Regulation 60.20.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 131.25 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Regulations 60.5.80.10(1) and (2) do not apply;
- (D) In addition to the permitted non-residential uses listed in Regulation 60.20.20.10(1) the following additional uses are permitted:

- (i) **Massage Therapy**
- (ii) **Personal Service Shop**
- (E) Regulations 60.20.20.100(4), 150.94.30.1(1), (2), (3), 150.94.40.1(1) and 150.94.50.1(1) do not apply.
- (F) Despite Regulation 60.20.40.10(1), the permitted maximum height of a **building** or **structure** is the number following the "HT" symbol in metres as shown on Diagram 4 attached to By-law 1103-2022;
- (G) Despite Regulations 60.20.40.70(1), (2) and (3) the minimum **building setbacks** shall be as shown on Diagram 4 attached to By-law 1103-2022;
- (H) Regulation 60.20.50.10(1) does not apply;
- (I) Regulation 60.20.90.40(2) does not apply;
- (J) The permitted maximum **gross floor area** is 20,000 square metres, of which:
 - (i) the permitted maximum **gross floor area** for Building A shown on Diagram 4 attached to By-law 1103-2022 is 17,870 square metres;
- (K) The permitted maximum floor area for a **retail store** for a garden centre shall be 1,700 square metres and shall be permitted to operate adjacent to Building A shown on Diagram 4 attached to By-law 1103-2022;
- (L) A minimum of 130 square metres of retail or commercial **gross floor area** is required to be provided on the Laird Drive frontage of Building A shown on Diagram 4 attached to By-law 1103-2022, within which a **vehicle service shop** and **ancillary** uses thereto shall be prohibited.
- (M) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following for the use indicated:
 - (i) a minimum of 1.5 **parking spaces** for each 100 square metres of non-residential **gross floor area** for a **Retail Store**.
- (N) Regulation 5.10.30.10(1) does not apply.
- (O) Despite regulation 5.10.30.1(1), within the lands shown on Diagram 1 attached to By-law 1103-2022, no land may be used and no **building** or **structure** may be erected or used, except for **buildings** existing on July 22, 2022 and except for below-grade construction and foundations, unless municipal services are provided to the Lot line and the following provisions are complied with:
 - (i) all new public roads illustrated on Diagram 4 attached to By-law 1103-2022, have been constructed to a minimum base curb and base asphalt and are connected to an existing **street**; and

- (ii) all municipal water mains and municipal sewers, and their appurtenances, including within the new public roads illustrated on Diagram 1 attached to By-law 1103-2022, have been installed and are operational.
- (P) Within the lands shown on Diagram 1 attached to By-law 1103-2022, no person shall erect or use any **building** or **structure** above-grade, except for **buildings** existing on July 22, 2022 until new public roads illustrated on Diagram 4 attached to By-law 1103-2022 are conveyed to the City for public highway purposes.

Prevailing By-laws and Prevailing Sections: None Apply

- 9. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
- 10. Section 37 Requirements:
 - (A) Pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c.18 came into force, 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 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 attached to this By-law and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c.18 came into force, that is/are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
 - (B) Where Schedule A attached to this By-law requires the owner to provide certain facilities, services or matters and enter into an agreement 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 density pursuant to this By-law unless all provisions of Schedule A attached to this By-law are satisfied.

Enacted and passed on July 22, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Requirements

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 of the land shown on Diagram 1 attached to this By-law and in accordance with one or more agreements pursuant to Section 37(3) of the Planning Act, as it read the day before Section 1 of Section 17 to the COVID-19 Economic Recovery Act, 2020, S.O. c.18 came into force, with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement.

Prior to the issuance of any building permit, the owner shall enter into and register an agreement to the satisfaction of the City Solicitor pursuant to the Section 37 of the Planning Act as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, to secure the community benefits and matters required to support the development, as follows:

Community Benefits

1. Prior to issuance of any above grade building permit, the owner shall make a cash contribution to the City in the amount of One Million, Two Hundred and Fifty Thousand Dollars \$1,250,000.00 (the "Cash Contribution") towards one or both of the following capital community services and facilities to be allocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor as follows:
 - (A) the cost of the expansion to Leaside Memorial Gardens, and
 - (B) streetscape improvements in the vicinity of the development, to the satisfaction of the Chief Planner and Executive Director, City Planning;

which Cash Contribution shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto calculated from the date City Council enacts this By-law to the date of payment of the Cash Contribution by the owner to the City.

2. In the event the Cash Contribution in Clause 1 has not been used for the intended purpose within three (3) years of the 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, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity.

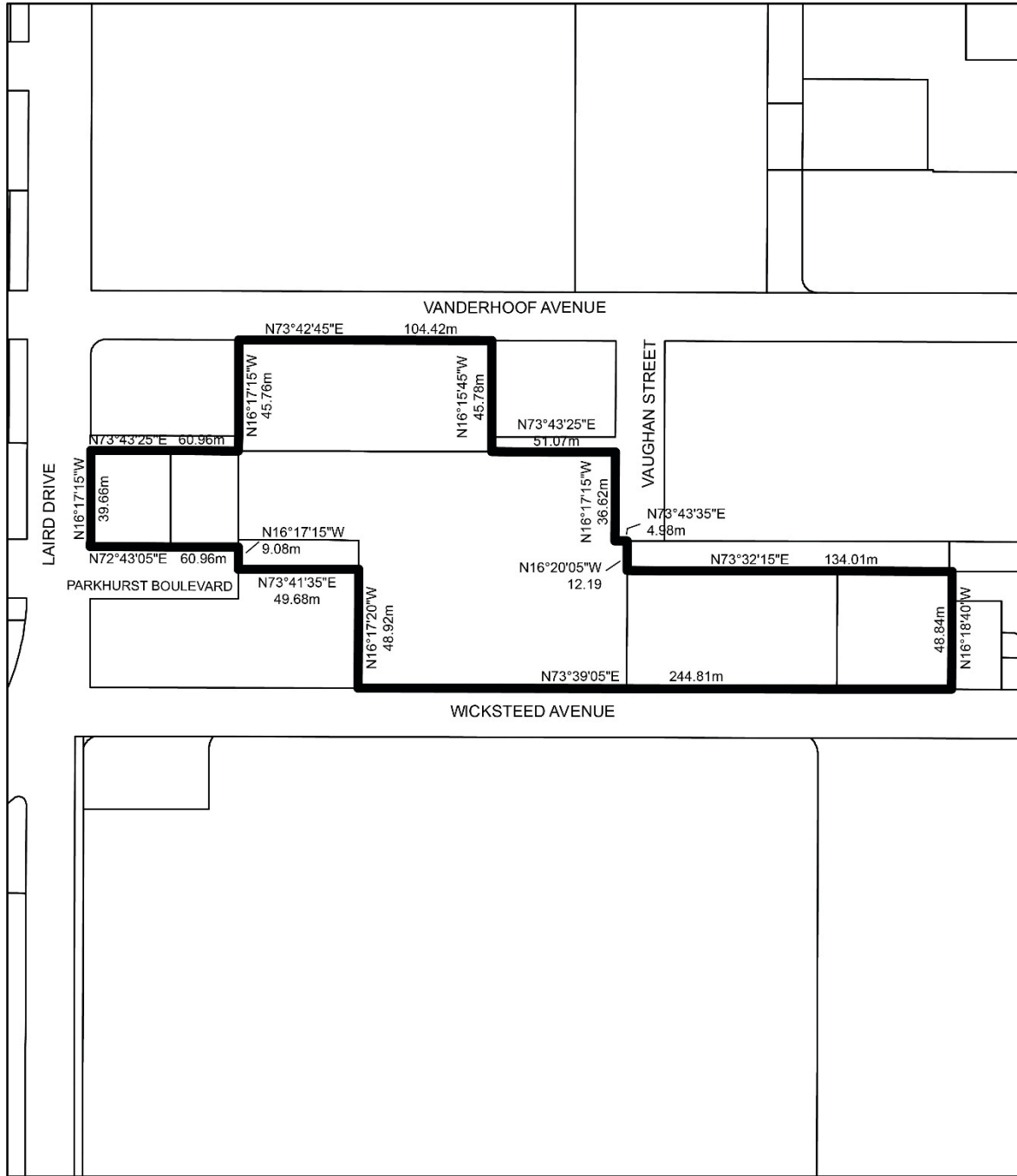
Matters required in support of the Development

3. The owner shall, at its own cost and expense, design and construct any upgrades to municipal infrastructure as may be determined to be required in accordance with accepted

Functional Servicing, Stormwater Management and Hydrogeological Reports which requirements will be secured in the context of subdivision approval all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

4. The owner shall, at its own cost and expense and in support of the development, design, remediate, construct and convey new public roads being extensions of Vaughan Street and Parkhurst Boulevard, having minimum widths of 18.5 metres and 16.5 metres respectively, in the locations illustrated on the Diagram 4 attached to this By-law, together with associated municipal services both internal and external to the land, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
5. Prior to issuance of any building permit for all or any part of the development on the land, the owner shall:
 - (A) obtain draft plan of subdivision approval and enter into a financially secured subdivision agreement with the City pursuant to Section 51 of the Planning Act necessary to implement the plan of subdivision, including required external works, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor; and
 - (B) obtain release for construction of services in accordance with the terms of the subdivision agreement to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
6. Prior to issuance of the first above-grade building permit for all or any part of the development on the lands, the owner shall:
 - (A) register the Plan of Subdivision to the satisfaction of the Chief Planner and Executive Director, City Planning in accordance with the requirements of the subdivision agreement; and
 - (B) complete the construction of the new road to base course asphalt and complete services, including external services, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

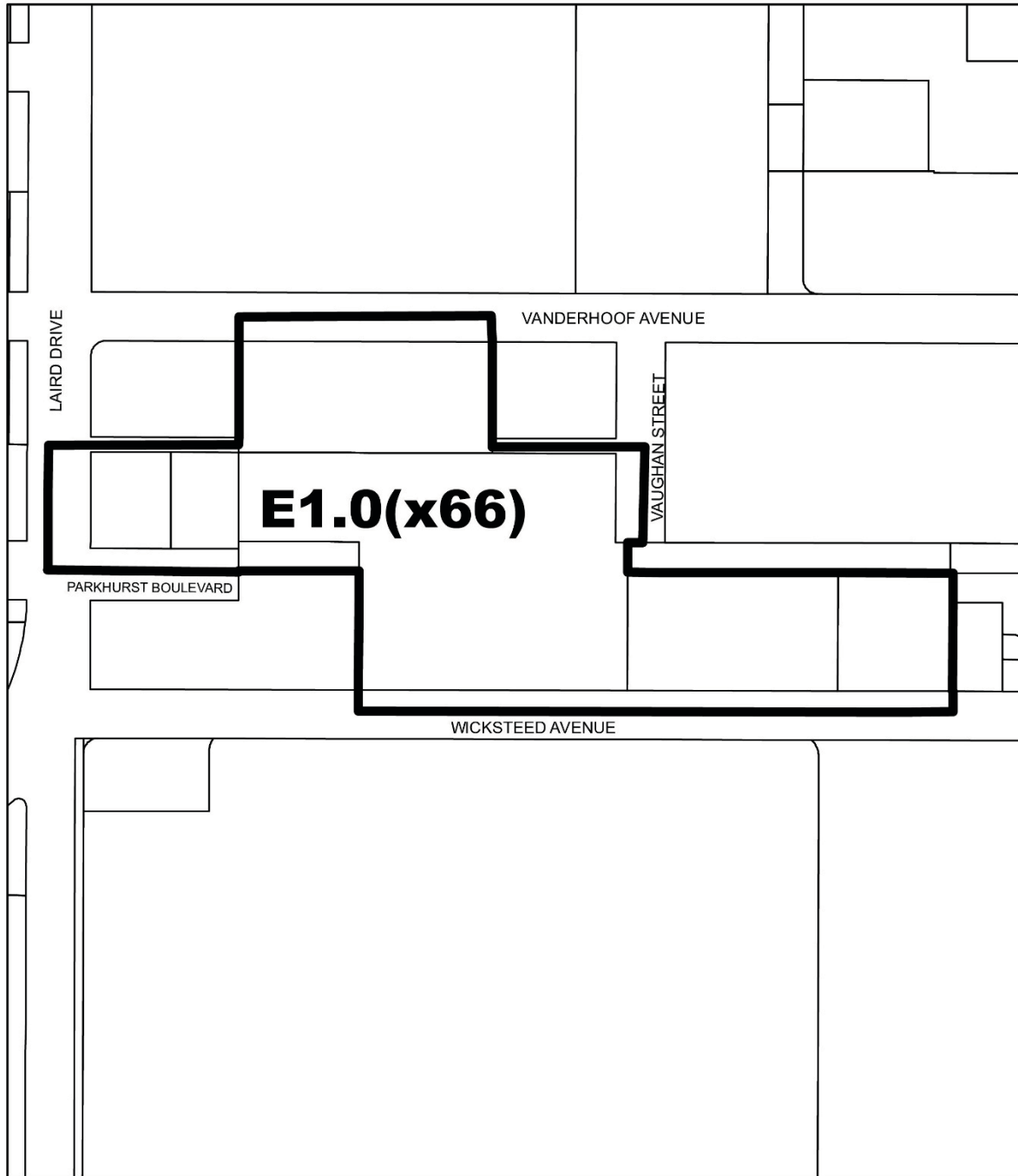
Diagram 1



70 & 80 Wicksteed Avenue,
202-206 Parkhurst Boulevard & 99 Vanderhoof Avenue

File # 21 120011 NNY 15 OZ, 21 120012 NNY 15 SB, 13 120874 NNY 26 SA

Diagram 2

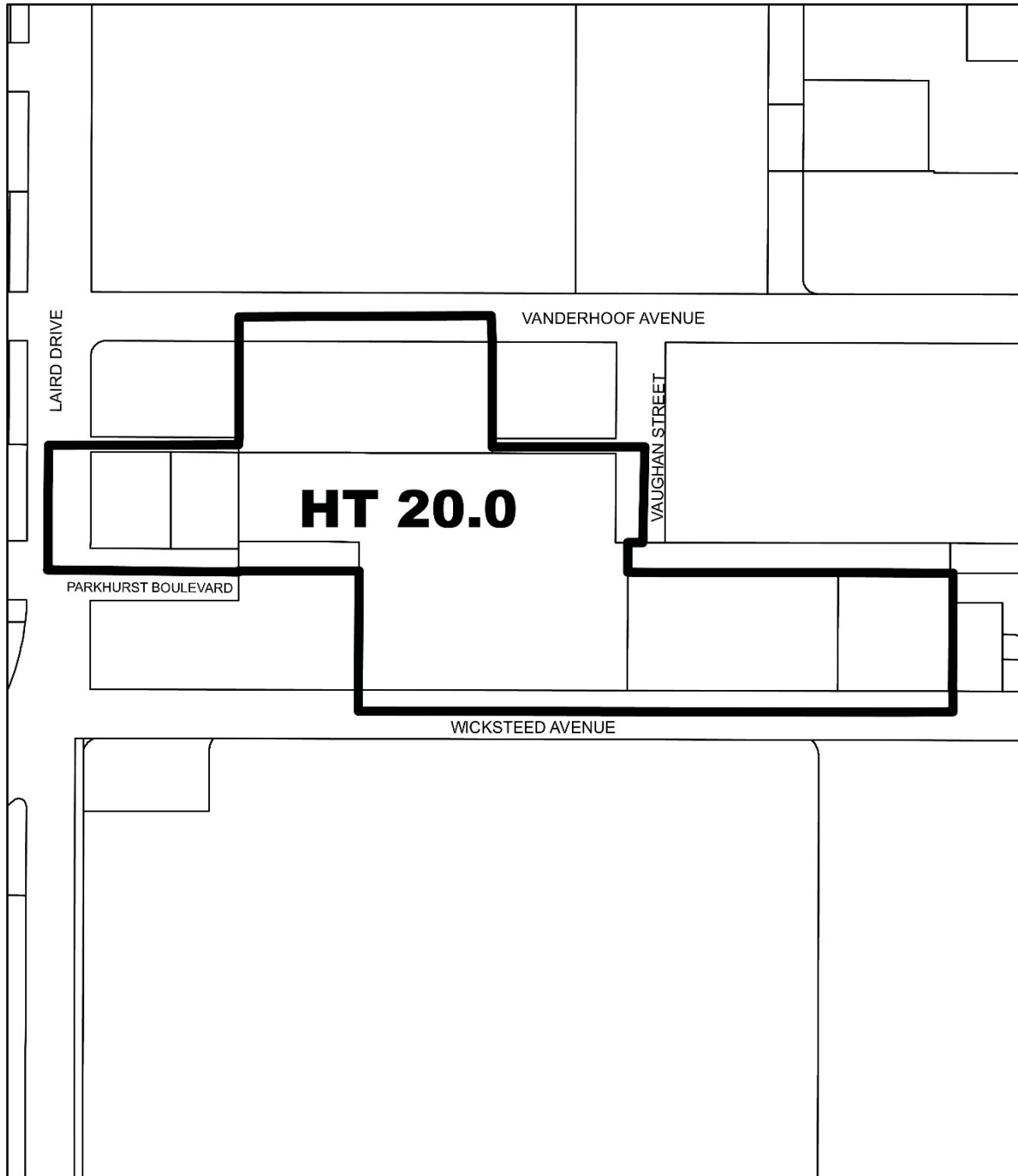


TORONTO
Diagram 2

70 & 80 Wicksteed Avenue,
202-206 Parkhurst Boulevard & 99 Vanderhoof Avenue

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Diagram 3

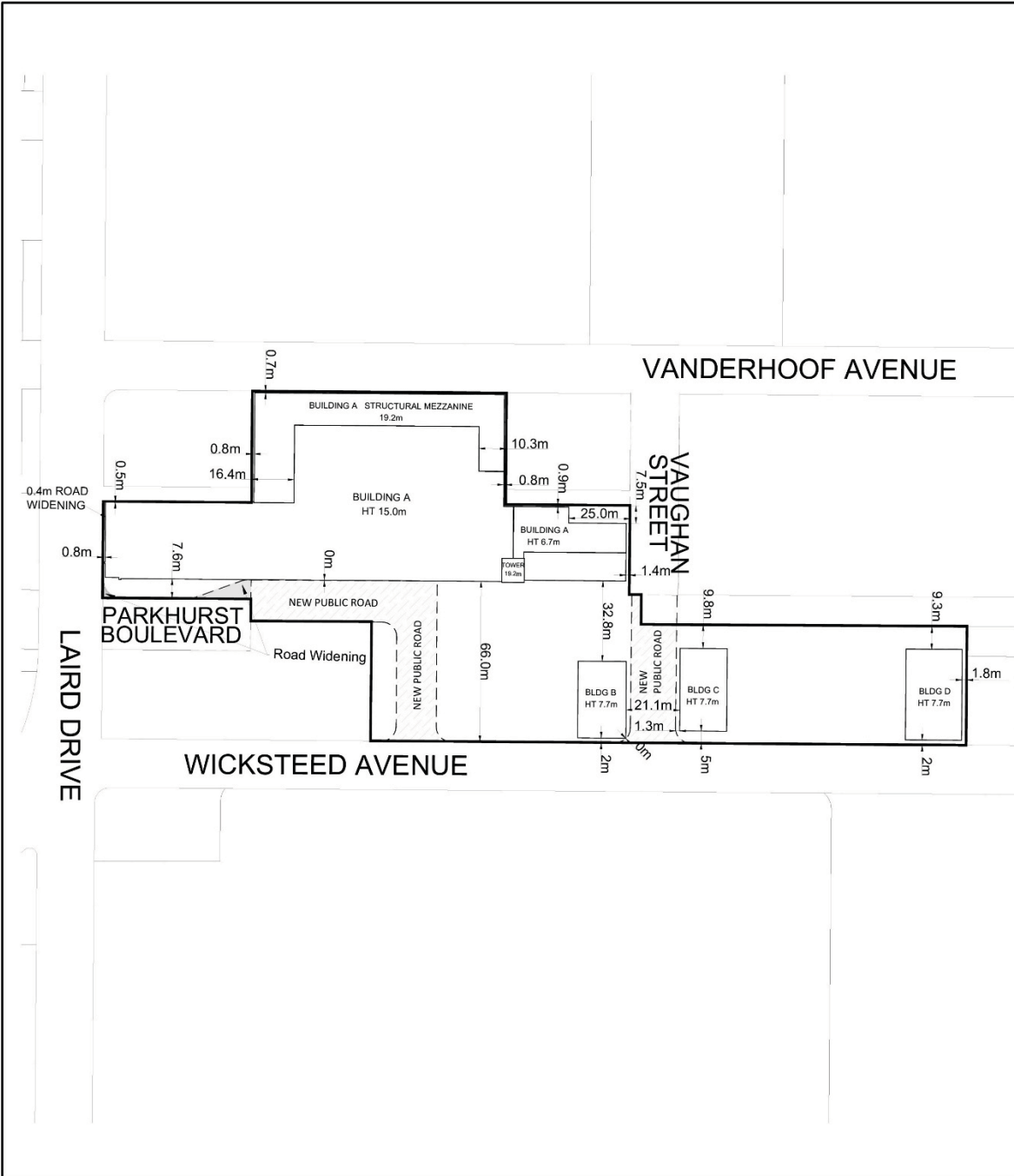


TORONTO
Diagram 3

**70 & 80 Wicksteed Avenue,
202-206 Parkhurst Boulevard & 99 Vanderhoof Avenue**

File # 21 120011 NNY 15 OZ, 21 120012 NNY 15 SB, 13 120874 NNY 26 SA

Diagram 4



 **TORONTO**
Diagram 4

70 & 80 Wicksteed Avenue,
202-206 Parkhurst Boulevard & 99 Vanderhoof Avenue

File # 21 120011 NNY 15 OZ, 21 120012 NNY 15 SB, 13 120874 NNY 26 SA