

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 1104-2022

To amend former Town of Leaside Zoning By-law 1916, as amended by By-law 442-2014, 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 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 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 former Town of Leaside By-law 1916, as amended by City of Toronto By-law 442-2014, is 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;

The Council of the City of Toronto enacts as follows:

1. The lands subject to this By-law are those lands outlined by a heavy black line and identified on Schedule 1 attached to this By-law.
2. Schedule "M1(14)" to former Town of Leaside Zoning By-law 1916, as amended, is further amended by deleting Schedule "M1(14)" and replacing it with Schedule M1(14) attached to this By-law.
3. Zoning By-law 1916 of the former Town of Leaside, as amended, is further amended by deleting Section 8.2.3 (k) (i) "Area Restricted" and replacing it with the following:

(i) Area Restricted

The provisions of this section 8.2.3 (k) shall only apply to those lands outlined in heavy black lines on Schedule 1 attached to By-law 1104-2022 which lands comprise the Lot for the purpose of this Section.

4. Zoning By-law 1916 of the former Town of Leaside, as amended, is further amended by modifying Section 8.2.3 (k) (ii) (1) "Permitted Uses", by adding Automobile Service Station as a permitted use and by deleting the following as permitted uses: Commercial School, Day Nursery, Private Club, and Private and Public Recreation Facilities.
5. Zoning By-law 1916 of the former Town of Leaside, as amended, is further amended by modifying Section 8.2.3 (k) (ii) (2) "Development Requirements" by amending subsection (a) "Maximum Gross Floor Area" to permit an additional 4,148 square metres of total Gross Floor Area and to adjust the development requirements such that subsection (2)(a) is modified and replaced with the following:

(a) Maximum Gross Floor Area

- (i) the maximum Gross Floor Area of all Buildings and Structures within the Building envelopes, shown on Schedule M1(14) attached to By-law 1104-2022 shall be 20,000 square metres;
- (ii) the maximum Gross Floor Area of Building A shown on Schedule M1(14) attached to By-law 1104-2022 shall be 17,870 square metres, and shall include one unit that has a Gross Floor Area of 6,850 square metres or greater for either a Retail Store, Department Store, Food Store, or Home Improvement Centre Use;
- (iii) despite (i) and (ii) above, in addition to the total Gross Floor Area, a ground level Garden Centre Compound is permitted to operate adjacent to Building A shown on Schedule M1(14) attached to By-law 1104-2022 but shall not exceed an area of 1,700 square metres; and
- (iv) a minimum of 130 square metres of retail or commercial Gross Floor Area shall be provided on the Laird Drive frontage of Building A shown on

M1(14) attached to By-law 1104-2022 which shall not include an Automobile Service Station or ancillary uses thereto.

6. Zoning By-law 1916 of the former Town of Leaside, as amended, is further amended by deleting Section 8.2.3 (k) (ii) (2) "Development Requirements" subsections (b) to (i), inclusive, and replacing them with the following subsections (b) to (g), inclusive:

- b) Maximum Lot Coverage of 30 percent, including the proposed roads and road widenings in the site area.
- c) Building Location and Setbacks
 - (i) the minimum setbacks for all Buildings and Structures above Established Grade on the Lot shall be as set out in Schedule M1(14) attached to By-law 1104-2022;
 - (ii) the minimum setbacks for underground parking structures on the Lot shall be 0.0 metres; and
 - (iii) awnings and canopies may project within the setbacks referred to in (i) above provided they are wholly within the Lot.
- d) Maximum Building Height
 - (i) the maximum Building Height shall not exceed the maximum height limit in metres as shown on the Building envelopes in Schedule M1(14) attached to By-law 1104-2022.
 - (ii) The following may exceed the maximum height limit by a maximum of 5.0 metres:
 - (A) a roof structure which is used to house stairwells for roof access and/or the mechanical, electrical or ventilation systems for the Building; and
 - (B) decorative features and design elements including parapets, cornices, mouldings, flashings, railings, pergolas and trellises.
- e) Landscaping

Notwithstanding the requirements of Section 8.1.5, the following requirements shall apply:

- (i) All Yard areas other than driveways, loading areas, motor vehicle parking, walkways, stairs, and patios shall be landscaped.

f) Parking

Notwithstanding the requirements of Section 5.17, the following requirements shall apply to the uses identified:

- (i) a minimum ratio of 1.5 Parking Spaces per 100 square metres of Retail Floor Area;
- (ii) a minimum ratio of 1.5 Parking Spaces per 100 square metres of Office Floor Area;
- (iii) a minimum ratio of 1.0 Parking Space per 100 square metres of Retail Warehouse Floor Area; and
- (iv) a minimum ratio of 3.5 Parking Spaces per 100 square metres of Automotive Service Centre Area.

g) Loading Spaces

Notwithstanding the requirements of Section 5.19(a), loading spaces shall be provided and can be provided in a shared manner, in accordance with the following requirements for the Buildings identified on Schedule M1(14) attached to By-law 1104-2022:

- (i) Building A: 3 Type A loading spaces and 1 Type B loading space;
- (ii) Building B: 1 Type B loading space;
- (iii) Building C: 1 Type B loading space;
- (iv) Building D: 1 Type B loading space;
- (v) a Type A loading space shall have minimum dimensions of 17.0 metres long, 3.5 metres wide and a vertical clearance of 4.3 metres; and
- (vi) a Type B loading space shall have minimum dimensions of 11.0 metres long, 3.5 metres wide and a vertical clearance of 4.0 metres.

7. Zoning By-law 1916 of the former Town of Leaside, as amended, is further amended by deleting Section 8.2.3 (k) (iii) "Section 37 Requirements" and inserting new Section 8.2.3 (k) (iii) "Section 37 Requirements" and Section 8.2.3 (k) (iv) "Municipal Infrastructure" as follows:

(iii) Section 37 Requirements

- (1) 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 By-law 1104-2022 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 By-law 1104-2022 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;

- (2) Where Schedule A attached to By-law 1104-2022 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
- (3) The owner shall not use, or permit the use of, a Building or Structure erected with an increase in density pursuant to By-law 1104-2022 unless all provisions of Schedule A attached to By-law 1104-2022 are satisfied.

(iv) Municipal Infrastructure

- (1) Within the lands shown on Schedule 1 attached to By-law 1104-2022, no person shall use any land or erect or use any Building or Structure, except for Buildings existing on 1104-2022 and except for below ground construction and foundations, unless municipal services are provided to the Lot line and the following provisions are complied with:
 - (a) all new public roads illustrated on Schedule M1(14) attached to By-law 1104-2022 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 including within the new public roads illustrated on Schedule M1(14) attached to By-law 1104-2022, have been installed and are operational.
- (2) Within the lands shown on Schedule 1 attached to By-law 1104-2022, no person shall erect or use any Building or Structure above ground, except for Buildings existing on 1104-2022 until new public roads illustrated on Schedule M1(14) attached to By-law 1104-2022 are conveyed to the City for public highway purposes."

8. By-law 442-2014 is amended by deleting the text within Section 6 and replacing it with the words "Deleted by By-law 1104-2022".
9. Notwithstanding anything else contained in this By-law, the provisions of Section 8.2.3 (k) of By-law 1916, as amended, shall continue to apply collectively to all of the lands identified on Schedule M1(14) attached to this By-law, notwithstanding any

existing or future severance, partition or division thereof and as if no severance, partition or division occurred.

- 10.** Except as further amended by this By-law, all the other provisions of By-law 1916, as amended, shall apply to the lands.

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 Schedule 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.

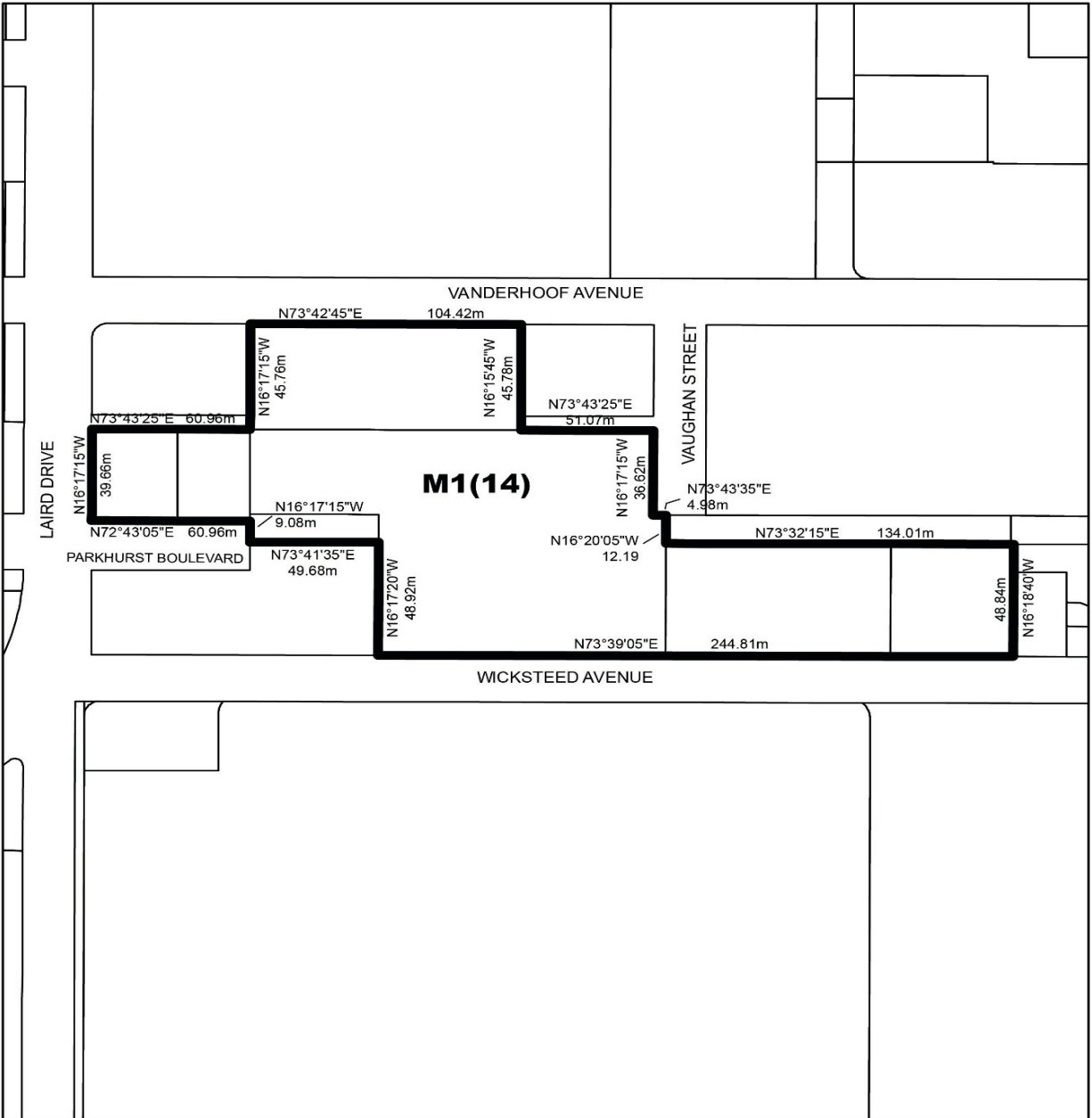
Matters required in support of the Development

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 Schedule M1(14) 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 Lot, 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 Lot, 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.

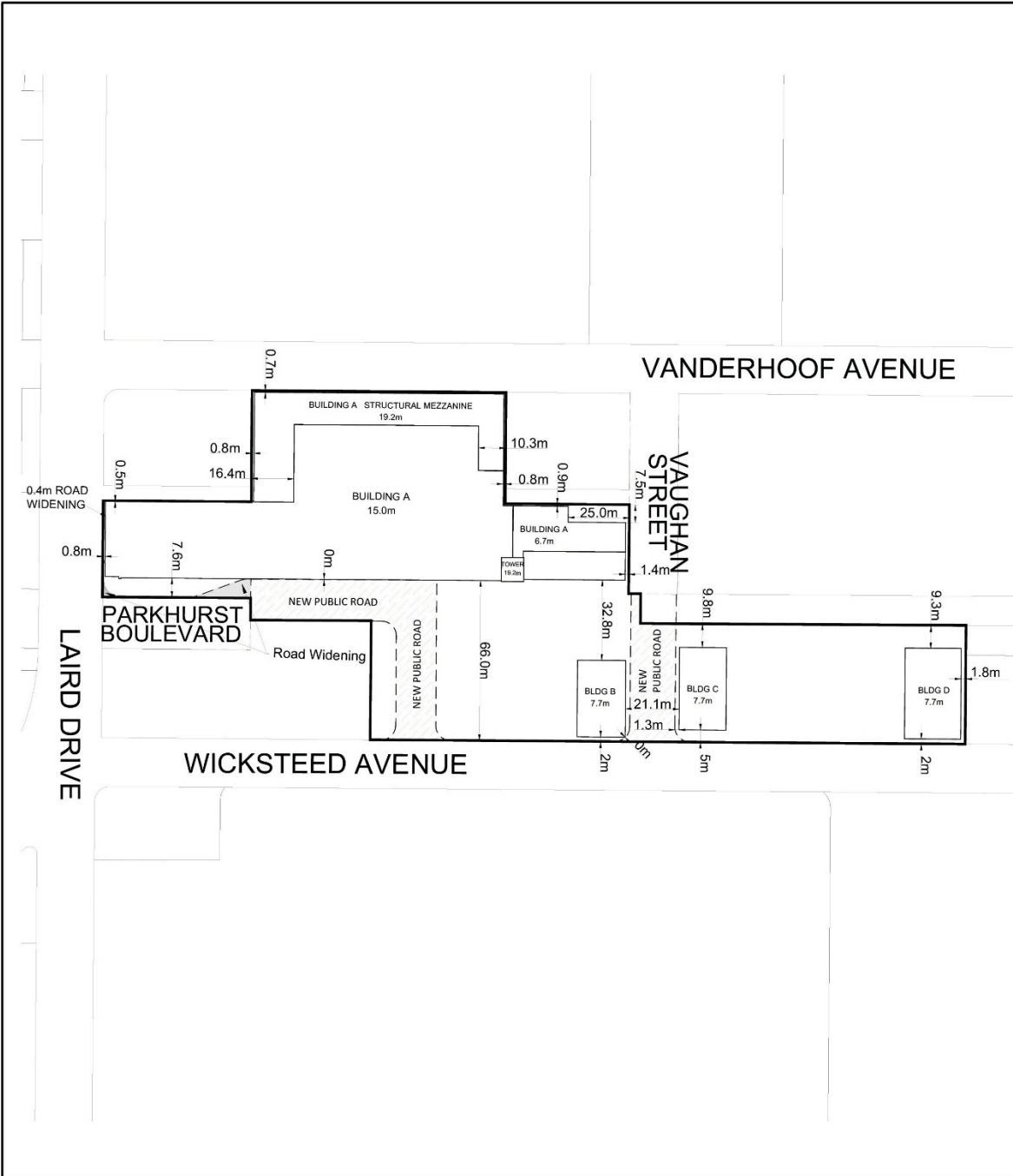
Schedule 1



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

Schedule M1(14)



 **TORONTO**
Schedule M1(14)

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