Attachment 11: Draft Zoning By-law Amendment to By-law 1156-2010

Authority: Toronto and East York Community Council Item ----, as adopted by City Council on March --, 2011
Enacted by Council: ----- ---, 2011.

CITY OF TORONTO

Bill No. ~

BY-LAW No. -2011

To amend City of Toronto By-law No. 1156-2010, as amended, with respect to lands municipally known as 140 - 162 Broadview Avenue.

WHEREAS the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, with respect to lands known municipally in the year 2010 as 140-162 Broadview Avenue; and

WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment; and

THEREFORE The Council of the City of Toronto HEREBY ENACTS as follows:

1. The lands subject to this By-law are outlined by the heavy line on Diagram "A".

2. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law No. xxx-2011 are permitted subject to compliance with all of the conditions set out in this By-law including the provision by the owner of the lands of the facilities, services and matters set out in Appendix 1 hereof, to the City at the owner's sole expense in accordance with and subject to the agreement referred to in Section 3 of this By-law No. xxx-2011.

3. Upon execution and registration of an agreement or agreements with the owner of the lands pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out in Appendix 1 hereto, the lands are subject to the provisions of this By-law No. xxx-2011. Building permit issuance with respect to the lands shall be dependent upon satisfaction of the provisions of this By-law No. xxx-2011and in the Section 37 agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.

4. Wherever in this By-law No. xxx-2011 a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the *Planning Act*, then once such agreement has been executed and registered, such conditional provisions must continue to be effective despite any subsequent release or discharge of all or any part of such agreement.

5. By-law No. 1156-2010, as amended, is hereby amended for all the lands outlined by the heavy line on Diagram "A" as follows:

A) the Zoning By-law Map is amended by removing the existing zoning on the lands so that the zone label for the entire lands, as shown on Diagram "A", is replaced with R(d1.0)(x980) and for the lands not part of this by-law, 140 Broadview Avenue, be brought into the by-law and zoned R(d1.0) (x980);

B) the Height Overlay Map is amended so "Not Part of This By-law" is removed from 140 Broadview Avenue and is marked as "HT 12" as shown on Diagram "B";

C) the Policy Overlay Map is amended so "Not Part of This By-law" is removed from 140 Broadview Avenue and Policy Area 4 is removed from 150 Broadview Avenue;

D) the Rooming House Overlay Map is amended so "Not Part of This By-law" is removed from 140 Broadview Avenue and "B3" is removed from 150 Broadview Avenue; and

E) the Conservation Overlay Map is amended so "Not Part of This By-law" is removed from 140 Broadview Avenue.

6. By-law No. 1156-2010, as amended, is further amended by adding **Exception R(980)** to Article 900.2.10 so that it reads:

Exception R (980) 140-162 Broadview Avenue

The lands subject to this exception must comply with the following:

(A)None of the provisions of Regulations

Sect. 230.10.1.10(2) Bicycle Parking, Sect. 230.10.1.20(1) Bicycle Parking, Sect. cr40.10.40.10(7) First floor height, Sect. 40.10.40.60(3) Stairs, Sect. 40.10.40.70(4) setback, Sect. 40.10.40.80(2) Separation of building walls, Sect. 40.5.1.10(2) FSI, Sect.10.10.40.70 Front Setback, 900x2294 parking, Sect.10.10.40.30 Depth, Sect. 10.10.40.50 Amenity Space, Sect. 10.10.40.50 Amenity Space, Sect. 10.10.40.70 Rear Setback, Sect. 10.10.40.70 Side Setbacks, Sect. 10.10.40.40 Floor Area, and Sect. 10.10.40.10 Height, and Sect. 10.5.50.10(4) Landscaping shall apply to prevent the erection and use of 63 **dwelling units** in an **apartment building** on the lands, if there is compliance with the following:

(B)If the requirements of Appendix 1 and Section 2, 3 and 4 – Section 37 requirements of By-law xxx-2011 are complied with, a **building** or **structure**

may be erected on the lands covered by this exception and used for the uses permitted if the whole of the **premises** covered by this exception collectively comply with the following:

(i)the lands consist of the lands delineated by dashed lines on Diagram "A" of By-law No. xxx-2011;

(ii)the **building** height must not exceed 14.0 metres for Block 1 measured from the average elevation of the property line fronting Kintyre Avenue and 14.3 metres for Block 2 measured from the average elevation of the property line fronting Broadview Avenue as shown on Diagram "C";

(iii)the minimum required **building** setbacks for those portions above grade are those distances shown on Diagram "C" of By-law No. xxx-2011;

(iv)the following elements of the **building** may encroach into the building setbacks as follows:

a)outdoor terraces/balconies 1.6 metres, with the exception of the outdoor terrace/balcony/deck and access stair for the units located directly above the underground garage ramp which encroachment will not exceed 4.85 metres;
b)lower patios, any railings and any stairs;
c)the ancillary structures marked as "gatehouse", "garbage enclosure" and stairs as outlined on Diagram "C";
d)stair towers and roof top privacy screens and privacy screens marked as "roof top structure" no closer than indicated on Diagram "C"; and
e)eaves, gutters, cornices, retaining wall for the underground ramp used for below grade parking and dormer window.

(v)the two **ancillary buildings** marked as 'garbage enclosure' and 'gate house' do not exceed the dimensions shown on Diagram "C";

(vi)the minimum number of **parking spaces** that must be provided is 40;

(vii)a minimum of 48 **bicycle parking spaces** must be provided on the lands, of which 38 long term **bicycle parking spaces** can be provided in a bicycle storage locker below grade provided the dimensions are no less than a minimum length of 1.8 metres and minimum width of 0.6 metres, and 10 short term **bicycle parking spaces** must be provided;

(viii)the maximum gross floor area used for **dwelling units** above and below grade not exceed 4,895 square metres;

(ix)one Type G - loading space as defined in Section 7 below must be provided and with access from the rear public lane;

(x)a minimum of 40 parking spaces must be provided on the lands for 63 **dwelling units**;

(xi)the maximum number of **dwelling units** permitted is 63;

(xii)no indoor amenity space is required within the **buildings**;

(xiii)no outdoor amenity space is required to adjoin indoor amenity space; and

(xiv)a minimum consolidated area of 126 square metres of amenity space with soft landscaping is required.

7. For the purposes of this by-law all words, terms and phrases appearing in bold have the same meaning as they have for the purpose of the aforesaid By-law No. 1156-2011, as amended, except the following:

(a)loading space – means a loading space having minimum dimensions of 13m long by 4m wide with an unencumbered vertical clearance of 6.1 m for the entire loading area, including a concrete pad abutting the space which is no less than the width of the loading space.

ENACTED AND PASSED this th day of , A.D. 2011.

ROB R. FORD,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Appendix 1
Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *lot* at its expense to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for no credit for development charges, indexing escalation of financial contributions, indemnity, insurance, taxes, termination and unwinding, and registration and priority of agreement:

1. Prior to the issuance of the first building permit for the foundation of the first of the new buildings, the *owner* shall pay to the City the sum of $500,000 as cash-in-lieu of replacement of the existing seven (7) residential rental units to be paid to the City's Capital Revolving Fund for Affordable Housing for the purpose of constructing new affordable rental housing units;

2. The *owner* shall provide Tenant Relocation Assistance to the satisfaction of the Chief Planner and Executive Director, City Planning Division, that requires the *owner* to provide for each eligible tenant at 140 – 162 Broadview Avenue assistance that includes at least 5 months notice before being required to vacate for demolition, a moving allowance and other financial assistance on a sliding scale geared to the length of occupancy of each such tenant, with provisions for special needs tenants, provided;

   (i) The assistance shall be provided prior to the issuance of any permit to demolish any residential rental dwelling units on the lands; and

   (ii) An initial payment is to be made at the time that each tenant receives the Notice to Vacate for demolition.

3. The *owner* shall pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, as accepted by the Executive Director of Technical Services, should it be determined that improvements to such infrastructure are required to support this development.

4. The *owner* shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee.

5. The *owner* of the lands entering into and registering on title to the lands one or more agreements with the City pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning Division, to secure the facilities, services and matters set forth in this Appendix 1.

6. Notwithstanding the foregoing, the *owner* and the *City* may modify or amend the said agreement(s), from time to time and upon the consent of the *City* and the *owner*, without further amendment to those provisions of this zoning by-law which identify the facilities, services and matters to be secured.

Diagram A

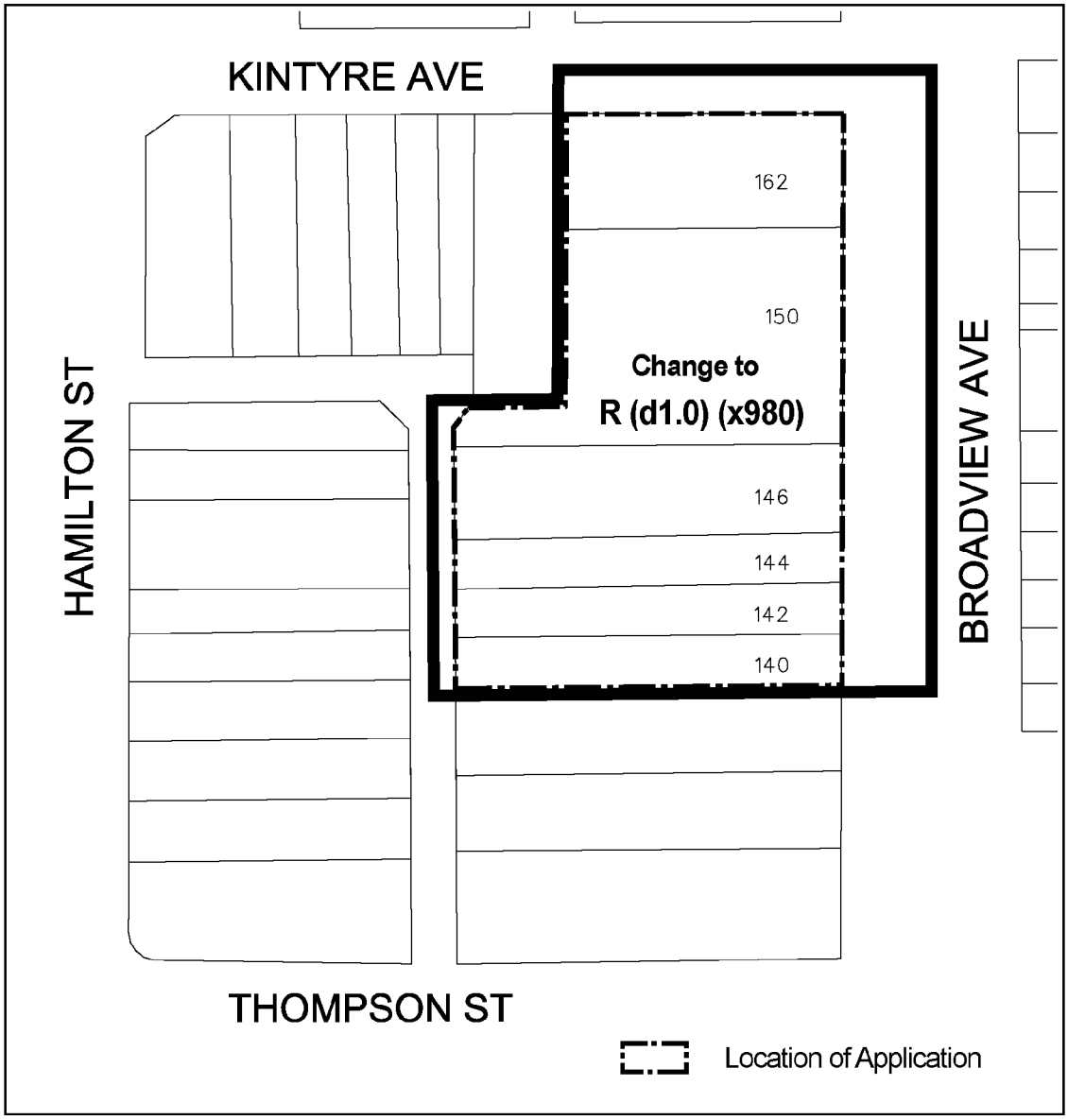

KINTYRE AVE
162
150
Change to
R (d1.0) (x980)
146
144
142
140
HAMILTON ST
BROADVIEW AVE
THOMPSON ST
Location of Application
TORONTO City Planning
Diagram A
140-162 Broadview Avenue
File # 10_133099_0Z, 10_173247_0Z
City of Toronto By-Law 1156-2010
Not to Scale
02/25/2011

Diagram B

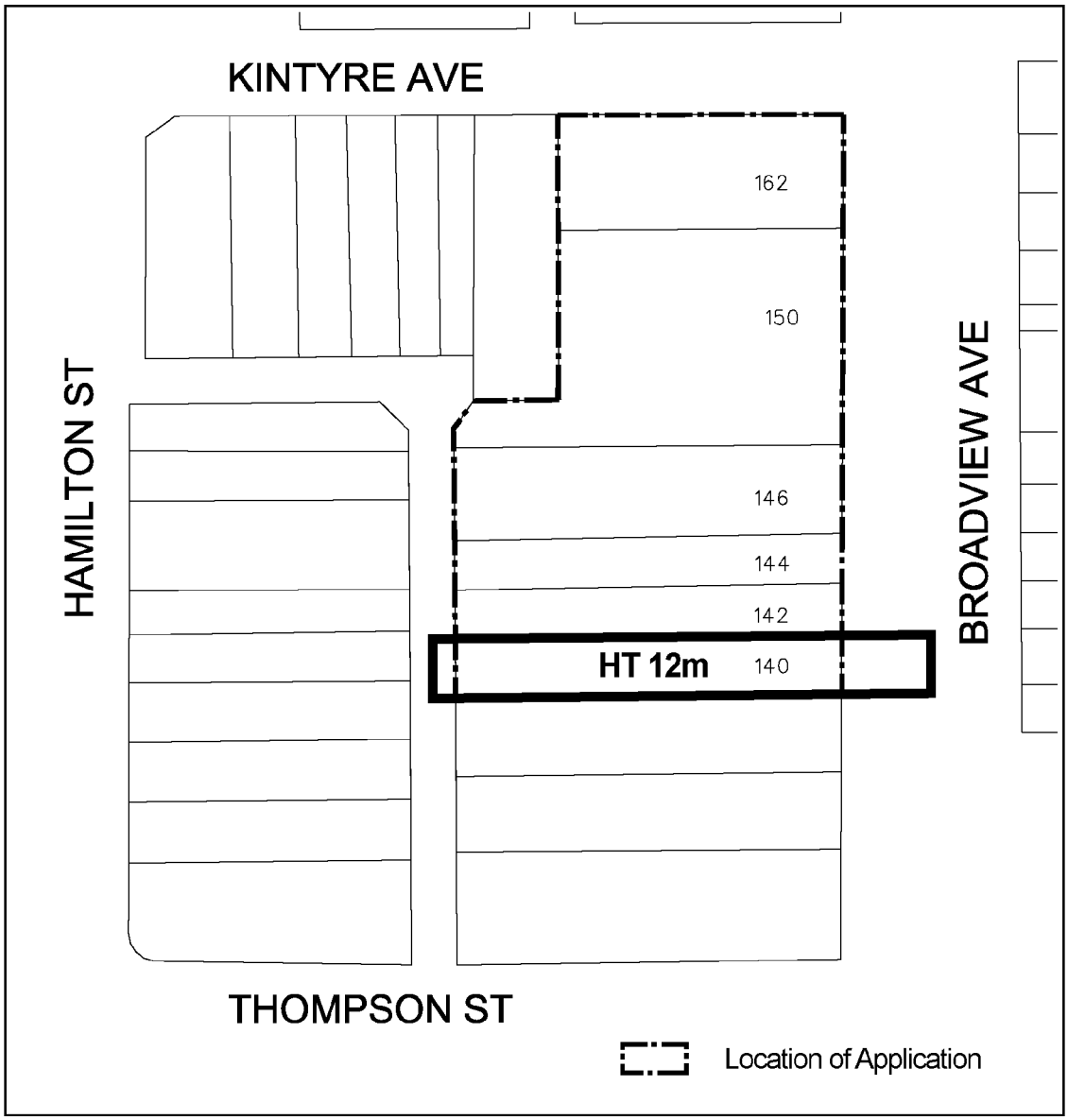
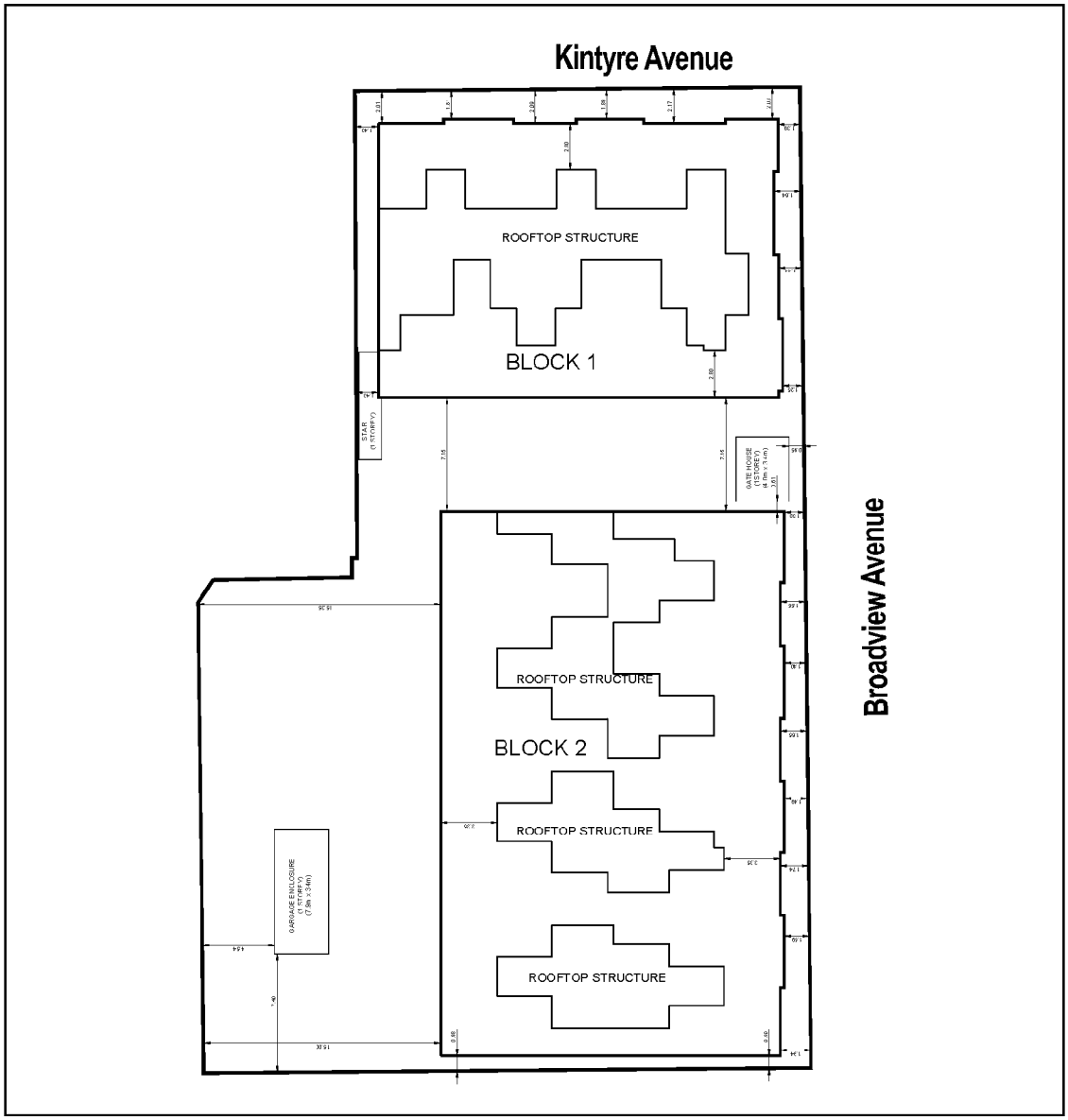

KINTYRE AVE
162
150
146
144
142
HT 12m
140
HAMILTON ST
BROADVIEW AVE
THOMPSON ST
Location of Application
TORONTO City Planning
Diagram B
140-162 Broadview Avenue
File # 10_133099_0Z, 10_173247_0Z
City of Toronto By-Law 1156-2010
Not to Scale
02/25/2011

Diagram C


Kintyre Avenue
ROOFTOP STRUCTURE
BLOCK 1
STAIR
(1 STOREY)
GATE HOUSE
(1ST STOREY)
Broadview Avenue
ROOFTOP STRUCTURE
BLOCK 2
ROOFTOP STRUCTURE
GARBAGE ENCLOSURE
(1 STOREY)
ROOFTOP STRUCTURE
TORONTO City Planning
Diagram C
140-162 Broadview Avenue
File # 10_133099_0Z, 10_173247_0Z
Not to Scale
03/02/2011