

June 8, 2017

Rosemary MacKenzie
Committee Administrator
Etobicoke York Community Council
Etobicoke Civic Centre
399 The West Mall
Toronto, ON M9C 2Y2

**RE: EY23.4 Final Report - Part of Lands Formerly Known as 115 Torbarrie Road -
Oakdale Village Subdivision - Plan 66M-2346 - Zoning By-law Amendment Application**

Dear Rosemary,

I am writing with regard to item EY23.4 that is before Etobicoke York Community Council on Tuesday, June 13th. As you may already know, the application proposes to amend former City of North York Zoning By-law No. 7625 to change the current lot numbers to be consistent with the revised lots as approved by the Ontario Municipal Board on August 16, 2016.

Overall, my constituents and I are pleased with the final report from staff. The application proposes to divide the rectangular parcel into 18 lots for new single detached homes. There will be a new east-west street perpendicular to Jethro Road, Adele Avenue and Desmond Road. On the east side, there will also be a new, north-south public sidewalk that connects Desmond Road to Fred Young Drive.

That being said, there are technical amendments which I would like to bring to the attention of Community Council.

First, the draft zoning by-law sets out the maximum building height for lots on the subject lands as 9.5 metres or two storeys (whichever is lesser). The determination of the buildings' height is problematic, given that there may be unintentional inconsistencies with heights of the dwellings, or the need for minor variances in order to be able to achieve the height that is intended by the amending by-law.

Clarifying the measurement of the building height – as per the city-wide zoning by-law – is appropriate because it relates the dwelling height of the front elevation to the actual grade of a lot rather than on the elevation of the centre line of the street. This methodology has also been adopted by the city as a standardized practice as per the new city-wide zoning by-law. I have therefore attached an addendum to this letter, outlining my proposed amending motion highlighted in purple.

Second, the *Planning Act* prohibits applications for minor variances to the Committee of Adjustment within two years of adopting a site-specific zoning by-law amendment, unless permitted by Council. While the aforementioned amendment to the by-law will be sufficient to

implement the proposed development with which the local community is satisfied, further minor variances may be needed. With the following motion, the developer can proceed accordingly in regard to the city's conveyance of land that is currently part of the public roadway.

Therefore, the second motion is as follows:

That Etobicoke York Community Council recommend that:

1. City Council, pursuant to subsection 45(1.4) of the *Planning Act*, R.S.O. 1990, c. P.13, permit applications for minor variances from the former City of North York Zoning By-law No. 7625 in respect of the lands formerly known as 115 Torbarrie Road (southern portion of the Oakdale Subdivision 66M-2346) before the second anniversary of the day on which that by-law was amended by [By-law xxx-2017].

Please ensure that the motion and my proposed amendment to the applicable by-law are brought to the attention of Community Council next week.

Thank you for your attention.

Sincerely,

[ORIGINAL SIGNED BY]

Councillor Giorgio Mammoliti
Ward 7, York West

cc. Kate Fairbrother
Associate, Davies Howe

Neil Cresswell
Director, Community Planning (Etobicoke York District)

Addendum: Clarification of height definition in amending zoning by-law

CITY OF TORONTO
Bill No. ~
BY-LAW No. ~20162017

**To amend the former City of North York Zoning By-law No. 7625, as amended,
 With respect to the lands municipally formerly known as
 115 Torbarrie Road
 (Southern portion of the Oakdale Subdivision 66M-2346)**

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

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

- 1 Section 64.14-A(13) of By-law No. 7625 of the former City of North York is amended by replacing Schedule "R6(13)" with revised Schedule "R6(13)" attached and amending clauses (b) (iii) (Yard Setbacks) by adding a new clause (B) and amending clause (d) (i) (Building Height) and adding a new clause (ii) so that they shall read as follows:

(b) (iii)

(B) Clause (b) (iii)(A) shall not apply to lots within "Area A" as shown on attached Schedule "R6(13)".

- (d) (i) Notwithstanding clause (d), the maximum building height shall be 9.5 metres or 2 storeys, whichever is the lesser for lots 51 to 59 inclusive and for all lots within Area A as shown on Schedule "R6(13)".

(ii) With respect to all lots within Area A as shown on Schedule "R6(13)", height shall be calculated from the average elevation of the ground measured at the two points where the projection of the required minimum front yard setback line is 0.01m past each side lot line.

- 2 Section 64.14-A(13) of By-Law No. 7625 of the former City of North York is amended in accordance with Schedule 1 of this By-law.

ENACTED AND PASSED this ____ day of _____, 20162017.

JOHN TORY,
 Mayor

ULLI S. WATKISS
 City Clerk