

**71 – 75 Curlew Drive – Zoning Amendment Application –  
Final Report**

<b>Date:</b>	March 15, 2018
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 34 – Don Valley East
<b>Reference Number:</b>	17 145887 NNY 34 OZ

**SUMMARY**

This application proposes to amend the former City of North York Zoning By-law No. 7625 and City of Toronto Zoning By-law 569-2013 in order to permit 222 stacked and back-to back townhouse dwelling units and a new, 570 square metre public park at 71-75 Curlew Drive. The townhouses are proposed to be arranged in six, four-and-a-half storey townhouse blocks. The existing vacant industrial building on the site would be demolished. The proposed gross floor area is 19,575 square metres with a corresponding floor space index of 1.54 times the area of the lot.

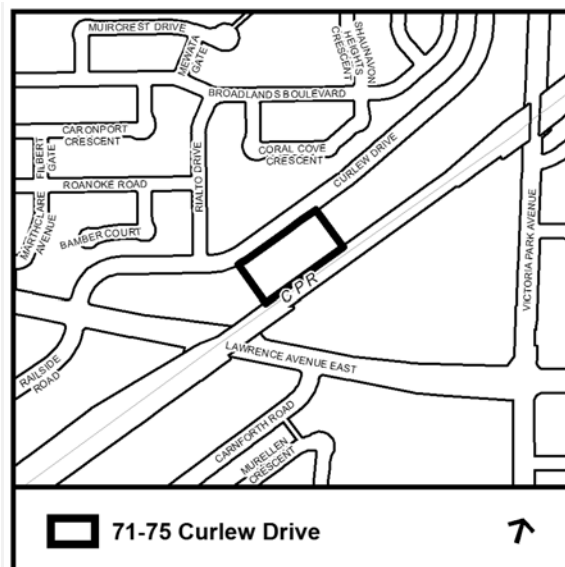
The proposed application is appropriate as it provides a compact, low-rise residential development and an appropriate level of intensification on an infill property, together with a proposed public park. The proposal provides for family-sized units in a built form that is compatible with the surrounding context.

This report reviews and recommends approval of the application to amend the Zoning By-law.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council amend former City of North York Zoning By-law No. 7625 for the lands at 71-75 Curlew Drive substantially in accordance with the



draft Zoning By-law Amendment attached as Attachment No. 6 to this report.

2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 71-75 Curlew Drive substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to this report.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the Owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation (PFR). The development charge credit shall be in an amount that is the lesser of the cost to the Owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, PFR, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.
5. That the applicant work with City Planning and Transportation Services as part of the Site Plan Application to explore the feasibility of installing a stop sign at the intersection of Curlew Drive and Rialto Drive, with the costs to be borne by the applicant.
6. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act to the satisfaction of the Director, Community Planning, North York District and the City Solicitor as follows:
  - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
    - i. Prior to the issuance of the first above-grade building permit the Owner shall provide a contribution in the amount of \$750,000 to be used towards park improvements at Broadlands Park, including the construction of a new splash pad and pathway improvements.
    - ii. The financial contribution referred to in subsection 6.a.i shall be indexed upwardly in accordance with the Statistics Canada Non-Residential or Apartment-Building-Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
    - iii. In the event the cash contribution referred to in Section 6.a.i has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purposes are identified in the Toronto

Official Plan and will benefit the community in the vicinity of the lands.

- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
  - i. Prior to the issuance of Notice of Approval Conditions for the Site Plan application, the Owner shall submit a revised rail safety study/derailment plan, for peer review by the City's peer reviewer, to the satisfaction of the Director, Community Planning, North York District and shall incorporate all measures into the plans and drawings submitted in the context of site plan approval pursuant to s114 of the City of Toronto Act, 2006, as amended, and s41 of the Planning Act, as amended and as applicable;
  - ii. In the event that the proposed grade alterations are not accepted by CP rail, the Owner acknowledges that redesign of the grading and servicing may be required. In this regard the Owner acknowledges that revisions to the built form of the development may be required together with zoning amendments to accomplish a redesign of the proposed grading and servicing approach.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

At its meeting on June 13, 2017 North York Community Council (NYCC) considered the Preliminary Report for this Zoning By-law amendment application. Community Council directed that City Planning staff schedule a community consultation meeting together with the Ward Councillor with expanded notification area, and that notice for the public meeting be given in accordance with the regulations of the Planning Act.

The Preliminary Report is available online on the City's website at:

<https://www.toronto.ca/legdocs/mmis/2017/ny/bgrd/backgroundfile-104269.pdf>

### **ISSUE BACKGROUND**

#### **Proposal**

The original application submitted a proposal for a total of 240 townhouse dwelling units, across six, equally sized stacked and back-to-back townhouse buildings containing 40 townhouse units each. Following the community consultation meeting and discussions with City staff, the applicant has submitted a revised proposal. The revised proposal is for 222 townhouse dwellings arranged in six back-to-back and stacked townhouse blocks and an on-site 570 m<sup>2</sup> public park fronting onto Curlew Drive. Four of the townhouse blocks contain 40 dwelling units in each block, one townhouse block contains 38 dwelling units and the sixth block contains 24 dwelling units.

The following chart provides a comparison of the original and revised applications.

	<b>Original Application (April 2017)</b>	<b>Revised Application (December 2017 / February 2018)</b>
<b>Number of Units</b>	240	222
<b>Gross Floor Area</b>	21,960 m <sup>2</sup>	19,575 m <sup>2</sup>
<b>Floor Space Index</b>	1.72	1.54
<b>Number of Vehicular Parking Spaces</b>	241	233
<b>Number of Bicycle Parking Spaces</b>	181	169
<b>Two Bedroom Units</b>	240	130
<b>Three Bedroom Units</b>	0	92

The proposed townhouse blocks are four-and-a-half storeys in height. The building heights range from 12.6 metres to 15 metres above established grade to the top of the rooftop access stairs as the grade of the site slopes upward from south to north. The half storey above the fourth storey consists of mechanical equipment and the access stairs to the rooftop terraces which are located on top of the fourth storey. The proposed townhouse blocks are oriented perpendicular to Curlew Drive. Those portions of the blocks that front onto Curlew Drive have townhouse units oriented to Curlew Drive. The total gross floor area is 19,575 square metres with a corresponding density of 1.54 times the area of the lot, as calculated under the City-wide Zoning By-law 569-2013. The proposed lot coverage for the entire site is 38.5%.

Five of the townhouse blocks are set back 3.0 metres from Curlew Drive, and the park fronts onto Curlew Drive at the southern portion of the property. The sixth townhouse block is located to the east of the park and is set back 3.0 metres from the public park. The townhouse blocks are set back 20 metres from the rear lot line, abutting the CPR rail line. A seven metre high rail deflection (crash) wall at the rear lot line is proposed. The side yard setbacks are five metres. The separation distance between each townhouse block is 12 metres, and the two townhouse blocks fronting on the common private driveway have a separation distance of 15 metres.

Vehicular access to the site is proposed via a six metre wide private driveway from Curlew Drive. The private driveway entrance to the townhouse blocks has been relocated from approximately the middle of the site to the north end of the site. The proposed driveway provides access to the garbage pick-up area, loading space, and underground parking garage. The proposed underground parking garage contains 200 resident parking spaces and 33 visitor parking spaces, for a total of 233 below grade parking spaces. A total of 153 resident bicycle parking spaces are also provided for in the underground garage. 16 Visitor bicycle parking spaces are provided for at grade along the rear of the property.

Of the 222 townhouse dwelling units proposed, 130 dwelling units are proposed as two-bedroom units, and 92 dwelling units are proposed to be three bedroom units. All of the units are two-storeys. Pedestrian access to the dwelling units would be from the shared pedestrian mews separating each of the townhouse blocks.

The lower level townhouse units are proposed to have at-grade patios fronting onto the pedestrian mews and second storey balconies. The upper level townhouses are also proposed to have balconies as well as rooftop terraces. The proposed balconies project 1.5 metres from the building walls along the front yard and along the pedestrian mews. Common outdoor and indoor amenity space is provided in the rear of the site. See Attachments 1, 2, 3, and 6 for site plan, rendering, elevations and additional statistics.

## **Site and Surrounding Area**

The site is located on the east side of Curlew Drive, northwest of Lawrence Avenue East and Victoria Park Avenue. The intersection of Curlew Drive and Lawrence Avenue East is located approximately 290 metres west of the site. Curlew Drive is a curved street that begins at Lawrence Avenue East and curves eastward and then northward before intersecting with Victoria Park Avenue.

The site has a lot area of 12,787 square metres with a frontage of 161 metres along Curlew Drive. The depth of the site is approximately 80 metres and it is generally flat with a gentle slope upward from the southern to the northern lot line.

The site was developed with a one-storey industrial building, which was recently demolished. There are eight trees on the site, all of which are proposed to be removed.

The surrounding uses are as follows:

**North:** There is a place of worship on the lot directly abutting the site to the north. To the north of this place of worship is Toronto Fire Station #233 at 59 Curlew Drive. Further north beyond the Toronto Fire Station is a residential townhouse development, consisting of two storey residential townhouses fronting on private internal roads.

**South:** To the south of the site is a two-storey building containing a place of worship and the Curlew Montessori School. To the south of this two-storey building are a number of low rise (one and two storey) commercial buildings as Curlew Drive bends to connect with Lawrence Avenue East, including an office building, medical office building, and commercial martial arts school.

**East:** The Canada Pacific Rail (CPR) rail line abuts the property at the east property line. To the east of the CPR rail line, is the Victoria Terrace Shopping Centre, located at the northwest corner of Lawrence Avenue East and Victoria Park Avenue.

**West:** There is a four-storey residential apartment building fronting onto Curlew Drive located directly opposite the site, at 74 Curlew Drive. Further along Curlew Drive, to the east and west of this apartment building are reverse-lot, single detached dwellings with backyards along Curlew Drive.

## **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its official plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the Planning Act and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use

planning matters are required by the Planning Act, to conform, or not conflict, as the case may be, with the Growth Plan.

Staff have reviewed the proposed zoning amendment for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The site is identified as *Employment Areas* on Map 2, Urban Structure and is designated *Core Employment Areas* on Map 20, Land Use Plan (see Attachment 4). As stated in Policy 4.6.6, development in *Employment Areas* is to contribute to the creation of competitive, attractive, highly functional areas by:

- c) avoiding excessive car and truck traffic on the road system within *Employment Areas* and adjacent areas;
- d) providing adequate parking and loading on-site;
- e) sharing driveways and parking areas wherever possible;
- f) mitigating the effects of noise, vibration, dust, odours or particulate matter that will be detrimental to other businesses or the amenity of neighbouring areas;
- g) providing landscaping on the front and any flanking yard and adjacent to any public parks and open space to create an attractive streetscape and screening parking, loading and service areas; and
- h) treating the boundary between Employment Areas and residential lands with landscaping, fencing, or other measures to minimize nuisance impacts.

### Site and Area Specific Policy 56

The property at 71-75 Curlew Drive is subject to Site and Area Specific Policy 56 (SASP 56), which also applies to lands municipally known as 61-89 Curlew Drive (excluding #74), and 1244, 1250 and 1260 Lawrence Avenue East, which are located in the vicinity of the site. SASP 56 permits residential uses on the above-noted properties. SASP 56 also limits the amount of gross floor area for office uses to 1.0 times the lot area, and prohibits retail and service commercial uses on the above-noted properties. Although residential uses are not permitted in *Employment Areas* and/or *Core Employment Areas*, Policy 5.6.7 in Chapter 5 of the Official Plan directs that, in the case of a conflict between the policies of the Official Plan and the Site and Area Specific Policies contained in Chapters 6 and 7, the site/area specific policy will prevail. As such, residential uses are permitted on the site.

### Public Realm

The public realm policies in section 3.1.1 acknowledge the importance of the public realm and quality urban design in creating great communities and a great city. Among other matters, the policies aim to promote quality architectural, landscape and urban design; improve physical and visual access from public spaces of the City's natural features; and ensure that sidewalks and boulevards are designed to provide safe, attractive, interesting, and comfortable spaces for pedestrians.

### Built Form

The Built Form policies in section 3.1.2 of the Official Plan direct that new development in the City fit harmoniously within the existing and/or planned context of the area. This includes locating and organizing new development to frame and support adjacent streets, parks, and open spaces; locating and organizing vehicle parking, vehicular access, service areas and utilities to minimize their impact on property and surrounding properties to improve the safety and attractiveness of adjacent streets, parks and open spaces; massing new development to define the edges of streets, parks and open spaces in a way that respects the existing/planned street proportion, providing for amenity for adjacent streets and open spaces, and providing indoor and outdoor amenity space for residents of the new development.

Policy 3.1.2.1 directs that new development is to be located and organized to fit with its existing and/or planned context and frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development by:

- a) generally locating buildings parallel to the street or along the edge of a park or open space with a consistent front yard setback;
- b) locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk; and
- c) providing ground floor uses that have views into and, where possible, access to, adjacent streets, parks and open spaces.

### Public Realm and Amenity Space

As detailed in policy 3.1.2.5, new development is to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians by providing:

- a) improvements to adjacent boulevards and sidewalks respecting sustainable design elements, which may include one or more of the following: trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers, lighting and bicycle parking facilities;
- b) co-ordinated landscape improvements in setbacks to create attractive transitions from the private to public realms;
- c) weather protection such as canopies, and awnings; and
- d) landscaped open space within the development site.

Policy 3.1.2.6 requires that every significant new multi-unit residential development provide indoor and outdoor amenity space for residents of the new development.

### Parks

The Parks and Open Space policies in section 3.1.2.1 of the Official Plan aim to maintain, enhance and expand the system of parks and open spaces, which are a necessary element of city-building.

### Housing

Section 3.2.1 of the Official Plan requires a full range of housing, in terms of form, tenure, and affordability across the City and within neighbourhoods to be provided and maintained to meet the



current and future needs of residents. The existing housing stock is to be maintained and replenished, and new housing supply is encouraged through intensification and infill that is consistent with the policies of the Official Plan.

### Section 37

Section 5.1.1 of the Official Plan provides for the use of Section 37 of the Planning Act to secure community benefits in exchange for increased height and density for new development, provided the development constitutes good planning, is consistent with the policies and objectives of the Plan and complies with the built form policies and all applicable neighbourhood protection policies of the Plan. The community benefit to be secured must bear a reasonable relationship to the increased height and/or density of the proposed development and have an appropriate geographic relationship with the proposed development.

The Toronto Official Plan is available on the City's website at:  
[www.toronto.ca/planning/official\\_plan/introduction.htm](http://www.toronto.ca/planning/official_plan/introduction.htm)

### **Official Plan Amendment 231**

Official Plan Amendment 231 (OPA 231) was adopted by Council in December 2013, approved by the Minister of Municipal Affairs and Housing in July 2014 and portions of the amendment are under appeal at the Ontario Municipal Board.

The site is designated *Core Employment Area* and is not subject to a site or area specific appeal to OPA 231. As noted above, SASP 56, permits residential uses on the subject lands and is not impacted by OPA 231. Where a conflict exists between a site and area specific policy and the policies of the Official Plan, the site and area specific policy prevails.

More information about OPA 231 can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/official-plan-review/>

### **Design Guidelines for Infill Townhouses**

The purpose of the City's Design Guidelines for Infill Townhouses (2003) is to clarify the City's interest in addressing development impacts of townhouses, with a focus on protecting streetscapes and seamlessly integrating new development with the existing context. The Guidelines provide an evaluation framework with respect to site design, location and organization as well as built form and public realm, in order to achieve high quality urban design outcomes. The Guidelines can be found at:

[www1.toronto.ca/city\\_of\\_toronto/city\\_planning/urban\\_design/files/pdf/townhouseguideline.pdf](http://www1.toronto.ca/city_of_toronto/city_planning/urban_design/files/pdf/townhouseguideline.pdf)

### **Townhouse and Low Rise Apartment Guidelines**

City staff have prepared updated City-wide design guidelines for townhouses and low-rise developments. These guidelines will address infill townhouse developments as well as mid to larger sites, and more complex and intense types of low-rise, multi-unit development in terms of site context, site organization, building massing, detailed design and private and public realm. The guidelines build upon and, once approved by City Council, are intended to replace the Infill Townhouse Guidelines (2003). At its meeting of February 22, 2018 the Planning and Growth Management Committee approved (and amended) the Townhouse and Low-Rise Apartment

Guidelines for use in the evaluation of current and new townhouse and low-rise apartment development applications. The matter will be brought forward to the March 26, 2018 meeting of City Council.

More information on these guidelines can be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/townhouse-and-low-rise-apartments/>

## **Zoning**

The site is subject to two Zoning By-laws. Under former City of North York Zoning By-law 7625, the subject site is zoned M1 "Industrial Zone One" (See Attachment 4a). The M1 zone permits a number of commercial, industrial and institutional uses such as a place of worship, but does not permit residential uses. The maximum floor space index permitted in the M1 zone is 1.0 times the area of the lot and the maximum permitted height is 8.8 metres when within 20 metres of a lot line abutting a Residential Zone; in all other areas the permitted maximum height is 15 metres.

Under the City-wide Zoning By-law 569-2013, the subject site is zoned EL "Employment Light Industrial" (See Attachment 4b). The EL zone permits a variety of non-residential uses such as offices, laboratories, warehouses, and certain types of manufacturing uses. Residential uses are not permitted. The maximum permitted gross floor area is 1.0 times the area of the lot, and the maximum permitted height is 18.5 metres.

## **Site Plan Control**

The proposed development is subject to Site Plan Approval. An application for site plan approval was submitted with the rezoning application (File No. 17 145896 NNY 34 SA). Final details are being reviewed on matters such as stormwater management, site servicing, building materials, landscaping and fencing, open space, amenity space, sustainability matters, and streetscape details.

## **Reasons for Application**

Amendments to the former City of North York Zoning By-law No. 7625 and the City of Toronto Zoning By-law No. 569-2013 are required as the zoning does not permit the proposed residential uses.

The zoning by-law amendment is also required to permit the proposed gross floor area, lot coverage, setbacks, separation distances, height, landscaped open space, and the proposed amount of parking, amongst other development standards.

## **Community Consultation**

A community consultation meeting was held on June 14, 2017 and attended by approximately 40 people.

The following comments and concerns were raised:

- density and scale of development;
- lack of open space;
- existing traffic operations and traffic safety on Curlew Drive;

- possibility for pedestrian crossings on Curlew Drive;
- should involve more architectural variety onto streetscape;
- planning process and role of community input;
- preference for low-rise height;
- whether proposed parking supply and visitor parking supply was adequate; and
- ability for local schools to accommodate additional school-aged children.

In addition, several emails were submitted also expressing concern with the existing traffic operations and pedestrian safety along Curlew Drive, as well as the issue of the proximity to the rail line.

Following the community consultation meeting and discussions with staff, the proposal was revised to include a public park.

### **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

## **COMMENTS**

### **Provincial Policy Statement and Provincial Plans**

City Planning staff has reviewed the proposed zoning amendment with the PPS and Growth Plan for the Greater Golden Horseshoe.

These policy documents set the policy foundation for regulating the development and use of land on matters of provincial interest. The site is located in a built-up area and accommodates a compact urban form. The proposal is compatible with the surrounding land uses and will make efficient use of land, resources, infrastructure, and public service facilities. The proposed development is consistent with the PPS and conforms to the Growth Plan for the Greater Golden Horseshoe.

### **Land Use**

The application proposes residential intensification of a vacant lot in a built up area that includes a diverse mix of uses. The residential use is permitted by the Site and Area Specific Policy 56 in the Official Plan. Many of the surrounding uses are residential uses, including a four-storey residential apartment building directly opposite the site on Curlew Drive and a condominium townhouse development north of the site on Curlew Drive. On either side of the subject site are places of worship and schools which are compatible and supportive uses for the proposed residential use. A fire station is located two properties to the north of the site. Further to the south of the site, on the east side of Curlew Drive, are an office building, a medical office building, and a commercial martial arts school. Heavy industry is not permitted in the zoning by-law and these properties are also subject to Site and Area Specific Policy 56 which permits residential uses. The application represents an appropriate approach to the redevelopment of the site, as the proposed

built form is compatible with the adjacent residential and commercial uses with regard to height, setbacks and dwelling type.

With respect to the adjacent CP Rail track, the applicant is proposing a rear yard setback of 20 metres along with a seven metre high crash/deflection wall adjacent to the CP rail corridor abutting the property to the west. CP Rail has advised that they do not object to the rezoning application moving forward at this time, and that any potential stormwater management matters can be addressed through the Site Plan Control process. The City has obtained a peer reviewer to review the applicant's rail safety study and the proposed crash / deflection wall. The peer reviewer has requested some revisions to the design of the wall including the provision of wall returns which do not impact the building envelope or zoning standards for the site, and will be secured as part of the Site Plan Approval process. The peer reviewer has no objection to the proposed use or proposed separation distance provided his requested revisions are incorporated into the Site Plan Approval process. Balconies that were proposed within the rail yard setback will need be removed as part of the site plan control process and the zoning by-law amendment does not permit balconies into the rear yard setback. As the site was previously used for industrial purposes, a Record of Site Condition (RSC) will be required at the Building Permit stage.

## **Noise**

As part of the application, the applicant provided a Noise and Vibration Feasibility Study to address the noise from the CP rail line. The study recommends that noise mitigation measures such as the inclusion of air conditioning in all units and the use of upgraded window and door materials in the proposed development. The study also recommends that the standard warning clauses regarding potential noise impacts be included in purchase and sale agreements to address the noise from the CP rail line. Notice of these clauses will be incorporated into the conditions of site plan approval.

## **Density, Built Form, Massing**

The Official Plan's built form policies indicate that new development should be designed to fit with its existing and/or planned context, frame and support adjacent streets, parks and open spaces, and limit its impact on neighbouring streets, parks and properties. The proposal for the four and half storey stacked and back-to-back townhouses at a proposed density of 1.54 times the area of the lot is appropriate as the proposal fits the character and scale of the area. A four-storey apartment building is located directly across the street on Curlew Drive. The proposed low-rise building form providing two and three bedroom units provides for an appropriate intensification of the lands. The park and townhouse buildings frame the street as the end units of the townhouse buildings have entrances facing the street and are directly accessible from the public sidewalk. The townhouse buildings are oriented perpendicular to Curlew Drive, providing visibility to the dwellings in the interior of the site and ensuring pedestrian circulation throughout the site. An outdoor common open space is located to the rear of the site, providing additional greening and open space for the residents. All vehicle parking is located underground and the loading area is to the rear of the site, thereby minimizing the impact on the public realm and adjacent properties.

The townhouse buildings contain four storeys of living space, and the half, or fifth storey only provides access to the rooftop terraces above the fourth level. The separation distance between the townhouse blocks provides for pedestrian mews and connections throughout the site. The proposal

provides appropriate screening to the adjacent properties and the new public park. The location and materials of the parking level exit/entrances, railings, and rooftop amenity areas will be secured through the Site Plan Control process.

The proposed development meets the intent of the draft Townhouse and Low-Rise Apartment Guidelines, in that the proposed development has incorporated a number of the guidelines in its design. In regards to Section 3 of the Guidelines, Site Organization, the pedestrian mews have minimum walkway dimensions of 2.1 metres, are landscaped and provide pedestrian scale lighting. Common outdoor amenity space for the enjoyment of the residents is provided, in addition to the public park. Parking garage ramps have been incorporated into the building. Although there are external access stairs within the pedestrian mews, as part of the site plan approval process, two of the access stairs encroaching into the front yard will need to be setback and where possible integrated into the buildings.

With respect to Section 4, Building Design, the dwelling units that front onto Curlew Drive are oriented towards Curlew Drive and obtain direct pedestrian access from the street. For buildings that are approximately 3.5 – 4 storeys or higher, the Guidelines direct a minimum facing distance between buildings of 15 metres. The two most northern buildings do have a separation distance of 15 metres, however the remaining blocks have a minimum separation distance of 12 metres. The main building face height for the townhouse blocks is approximately 12.9 metres to the top of the parapet wall. Above this height are the rooftop terraces. As the horizontal separation distance is in keeping with the vertical height of the building face, a 1 to 1 relationship between the separation distance and the height is generally maintained which provides for access to sunlight. Private outdoor amenity space is provided in the form of balconies and rooftop terraces. As well, common indoor amenity space is also being provided.

Section 5 of the Guidelines addresses pedestrian realm elements. The proposed development has organized utilities and building equipment so that there is less visual and physical clutter in the open space areas and the pedestrian mews. Landscaping will be secured through the Site Plan Approval process and includes appropriate plant materials, species and soil volumes. With respect to the architecture, the Guidelines recommend rooftop amenity and privacy screening be designed so that they do not add to the overall height and mass of the building, which has been addressed in this proposed development. The Guidelines also recommend that the design and articulation of each building façade be varied to provide visual interest and respond to site conditions. The introduction of the public park and the relocation of the access driveway has introduced some variety to the streetscape. As part of the Site Plan process further architectural details such as building material and articulation variation will be required. High quality materials will be secured as part of the Site Plan Control process.

### **Traffic Impact, Access, Parking**

The applicant has submitted a Transportation Considerations Report and an update report with the revised application to reflect the projected future traffic conditions in the site environs. The consultant estimates in this study that the proposed development will generate approximately 70 and 55 new two-way trips during the AM and PM peak hours, respectively, and that the site related traffic can be acceptably and appropriately accommodated on the road area network. The Transportation Considerations Report has been accepted by Transportation Services staff.

With respect to parking, a total of 233 parking spaces are proposed to be provided in one level of underground parking. A total of nine accessible parking spaces are provided, and are located adjacent to the resident elevators on the site that provides access to the ground floor. Transportation Services staff are recommending that the parking for this project be provided in accordance with the Policy Area 4 parking requirements of Zoning By-law 569-2013, with the possibility for a reduction in parking spaces should the applicant provide appropriate Transportation Demand Management (TDM) provisions. Under the Policy Area 4 requirements, the applicant is providing the required number of visitor parking spaces, however the resident parking supply is deficient by 18 parking spaces. TDM measures to offset the reduced number of vehicle parking spaces will be secured as part of the Site Plan approval process.

Regarding bicycle parking spaces, the applicant is providing the required number of bicycle parking spaces as required by the Zoning By-law and the Toronto Green Standard. A total of 153 resident bicycle parking spaces are provided in secure lockers in the underground parking garage and 16 visitor bicycle parking spaces are provided for at grade along the rear of the property. The appropriate location and design of the bicycle parking spaces will be finalized through the site plan approval process.

Vehicular access to the site is proposed via a six metre wide private driveway from Curlew Drive. Transportation Services staff find the proposed access acceptable but have requested revisions to the design including that the driveway curb radii at the driveway entrance be revised to 5.0 metres and that transition from the site to the existing sidewalk be illustrated on the site plan, in order to ensure a consistent sidewalk from the reconstructed sidewalk to the existing sidewalk, which will be secured as part of the Site Plan Approval process.

In response to community concerns, Transportation Services staff have analysed whether an all-way stop sign is warranted at Curlew Drive and Rialto Drive. Based on vehicle volume alone, the warrant analysis for an additional stop sign was not triggered. However, a stop sign would also have the benefit of providing for an appropriate pedestrian crossing for residents, as the closest pedestrian crossing to the west side of Curlew Drive is at the signalized intersection of Curlew Drive and Lawrence Avenue East. As such, City Planning are recommending that the applicant work with the City through the Site Plan Approval process to continue exploring the feasibility of the installation of the all-way stop sign at Curlew Drive and Rialto Drive, with the costs to be borne by the applicant.

## **Servicing**

The applicant has submitted a Functional Servicing Report, Stormwater Management Report, and Hydrogeology report in support of the application, which has been reviewed and accepted by Engineering and Construction Services staff. The report concludes that the site can be adequately serviced in accordance with City standards. Engineering and Construction Services staff has advised that further details regarding site grading and drainage will be addressed through the Site Plan Approval process. As CP Rail advised that any potential stormwater management matters can be addressed through the Site Plan Control process, Engineering and Construction Services recommend that an advisory comment be included in the Section 37 Agreement to advise that should CP Rail not accept any proposed grade alterations, there may be impacts to the approved

built form that would require amendments to the zoning by-law. Planning Staff have included this advisory comment in the recommendations for items to be secured in the Section 37 Agreement.

### **Amenity Space**

Each townhouse unit has its own private outdoor amenity area. The upper level units all have outdoor rooftop terrace spaces on the top of the fourth level and balconies on the third level. The lower level units have a private outdoor patio at grade and balconies at the second floor. With respect to indoor amenity area, the development includes a 111.5 m<sup>2</sup> (1,200 square feet) indoor amenity space housed in one of the apartment block units, located closest to the rear yard. In addition, the proposal includes a common outdoor space of 600 m<sup>2</sup> located in the rear yard of the development for the use of the residents. The amount of indoor and outdoor amenity space has been secured as part of the draft zoning by-law amendments, while the details such as outdoor landscaping will be further refined and secured through the site plan approval process.

### **Open Space / Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.57 to 2.99 hectares of local parkland per 1,000 people. The site is in the second highest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III, of the Toronto Municipal Code, the parkland dedication requirement is 2,986.7 m<sup>2</sup> or 23.5% of the site area. However, for sites that are 1 to 5 hectares in size, a cap of 15% of the development site is applied to the residential use. In total, the parkland dedication requirement is 1,908 m<sup>2</sup> or 15% of the net site area. The applicant is proposing to convey an approximately square shaped 570 m<sup>2</sup> park, with frontage on Curlew Drive, at the southwest corner of the site. The proposed park represents approximately 4.5% of the required 15% parkland dedication. The remaining parkland dedication contribution is proposed to be satisfied through cash-in-lieu payment.

Parks staff recommend that the full 15% parkland dedication be provided on-site. However, if the proposed parkland dedication as submitted by the applicant is approved, Parks is interested in securing the design and construction, by the Owner, of Above Base Park Improvements. In reviewing the application and balancing competing matters, such as appropriate rail yard setbacks and built form standards, City Planning staff are recommending that the proposal for the on-site park of 570 m<sup>2</sup> with the remainder of the required parkland dedication provided as cash-in-lieu, be approved. This proposal has been agreed to by the applicant, as demonstrated by their revised submission. The proposed park is of a usable size and is in an optimal location adjacent to an existing outdoor space and can be expanded should the property to the south be redeveloped. Broadlands Park is a large park with tennis courts, baseball diamond and community centre that is approximately 1 km away, however having a smaller park closer to the proposed development will be of benefit to both new and existing residents in the area and provide additional green space in this location. The proposed park provides an important break in the streetscape along the 160 metre frontage that this property has along Curlew Drive. The conditions of the parkland conveyance will be included in the Site Plan Agreement.

## **Tree Preservation**

The revised Arborist Report submitted with the revised proposal indicates that there are five City-owned trees in the City's right-of-way along the frontage of the site, one of which is proposed to be removed. The applicant will be required to submit an application to injure or remove a private tree and also provide compensation for the amenity value of the lost tree. In order to ensure the protection of the remaining City-owned trees, Urban Forestry will require the submission of a Tree Survival Guarantee Deposit.

With respect to the private trees on site, the Arborist Report indicates that eight private trees having diameters of 30 cm or greater exist on site that are proposed to be removed as part of the development. An application to injure or destroy private trees will also be required, and a notice of application will need to be posted on the site for 14 days. Based on the standard requirement, Urban Forestry will require 24 new trees to replace the eight private trees. The Planting Plan submitted proposes the planting of 21 large canopy growing replacement trees on-site. Cash in lieu for the three replacement trees not proposed to be planted will be required.

## **Streetscape**

The design of the proposal would result in an attractive, pedestrian-oriented streetscape with a park fronting onto Curlew Drive and the townhouse buildings oriented perpendicular to Curlew Drive, providing access and views into the site. Within the Curlew Drive right-of-way 11 new street trees will be planted (for a total of 16 trees along Curlew Drive). The applicant will be responsible for installing a new 2.1 metre wide sidewalk along the Curlew Drive frontage. The front yard setback along Curlew Drive is 3.0 metres. The front yard will include landscaping and the patios for the lower level units. Exit stairwells are proposed within two of the pedestrian mews along the front yard, but will be relocated outside of the front yard through the site plan approval process.

## **Toronto Green Standard**

In 2013, City Council updated the two-tiered Toronto Green Standard (TGS) that was adopted by City Council on October 27, 2009. The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. The site specific zoning by-law will secure performance measures for the following Tier 1 development features: landscaped open space and securing bicycle parking spaces both below grade and above grade. Other applicable TGS performance measures such as tree species, soil volumes, and stormwater management will be secured through the Site Plan Approval process.

## **Schools**

The Toronto District School Board has advised that there is insufficient space at the local schools to accommodate students anticipated from the proposed development and others in the area. The school board has requested that as a condition of approval, the applicant/developer enter into an agreement to erect and maintain signs advising that sufficient accommodation at local schools



may not be available for all students and also include warning clauses in all offers of purchase and sale of the residential units, to the effect that students may be accommodated in facilities outside the area and policies on busing. These conditions will be included as part of the site plan approval process.

## **Tenure**

The development is proposed as a condominium development as there are a number of common elements including the underground parking garage and amenity areas and walkways through the site. An application for a standard condominium will be required.

## **Section 37**

Section 37 of the *Planning Act* authorizes a municipality to permit increases in height and/or density above that permitted in the applicable zoning by-law in return for the provision of community benefits by the owner. The community benefits must bear a reasonable planning relationship to the proposed development including at a minimum, an appropriate geographic relationship and addressing planning issues associated with the development.

Following negotiations with planning staff, with input from the local councillor, the applicant has agreed to provide a financial contribution in the amount of \$750,000 to be used for the installation of a splash pad and pathway / access improvements at Broadlands Park, located at 19 Castlegrove Boulevard. This payment would be required prior to the issuance of the first above-grade building permit for the development.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

- i. Prior to the issuance of Notice of Approval Conditions for the Site Plan application, the Owner shall submit a revised rail safety study/ derailment plan, for peer review by the City's peer reviewer, to the satisfaction of the Director, Community Planning, North York District and shall incorporate all measures into the plans and drawings submitted in the context of site plan approval pursuant to s114 of the City of Toronto Act, 2006, as amended, and s41 of the Planning Act, as amended and as applicable;
- ii. In the event that the proposed grade alterations are not accepted by CP rail, the Owner acknowledges that redesign of the grading and servicing may be required. In this regard the Owner acknowledges that revisions to the built form of the development may be required together with zoning amendments to accomplish a redesign of the proposed grading and servicing approach.

## **Conclusion**

The proposed rezoning is appropriate for this site, as it provides an appropriate built form in the context of the surrounding area on a vacant site formerly used as employment. Appropriate measures are being taken to ensure compatibility and safety from the adjacent CP Rail corridor, including an accepted separation distance and deflection wall. The proposed development includes an appropriate amount of new landscaped open space as well as indoor and outdoor amenity space for the residents. In addition, the proposed development includes a new 570 square metre public

park that will be of benefit to new and existing residents in the area. Planning staff recommend approval of the rezoning application.

## **CONTACT**

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Fax No. 416-395-7155

E-mail: Valeria.Maurizio@toronto.ca

## **SIGNATURE**

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Joe Nanos, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2a: West Elevation A

Attachment 2b: West Elevation B

Attachment 2c: South Elevation

Attachment 2d: East Elevation A

Attachment 2e: East Elevation B

Attachment 2f: North Elevation

Attachment 3: Official Plan

Attachment 4a: Zoning By-law No. 7625

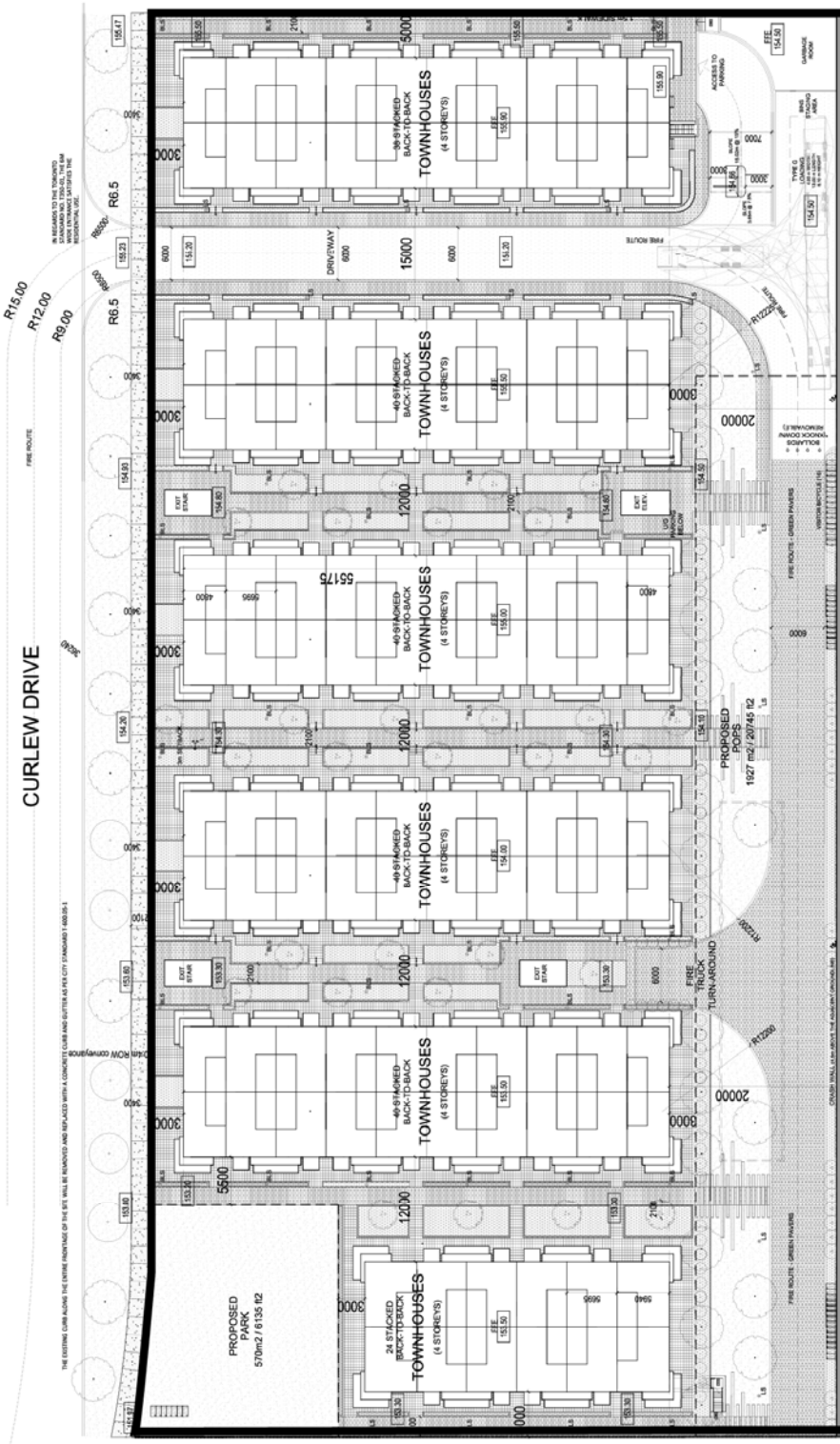
Attachment 4b: Zoning By-law No. 569-2013

Attachment 5: Application Data Sheet

Attachment 6: Draft Zoning By-law Amendment – By-law No. 7625

Attachment 7: Draft Zoning By-law Amendment – By-law No. 569-2013

# Attachment 1: Site Plan



71-75 Curlew Drive

CANADIAN PACIFIC RAILWAY

Site Plan

Applicant's Submitted Drawing

Not to Scale  
03/07/2018

File # 17 145887 NNY 34 0Z

**Attachment 2a: West Elevation A**



**71-75 Curlew Drive**

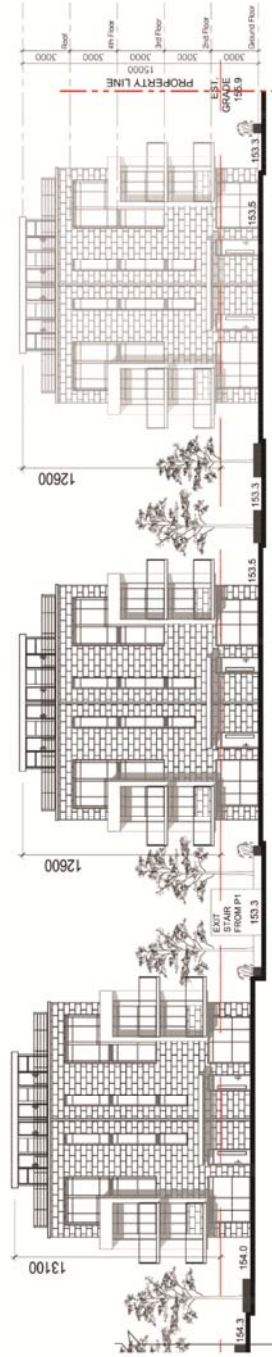
**File # 17 145887 NNY 34 0Z**

**West Elevation - A**

Applicant's Submitted Drawing

Not to Scale  
02/27/2018

**Attachment 2b: West Elevation B**



**71-75 Curlew Drive**

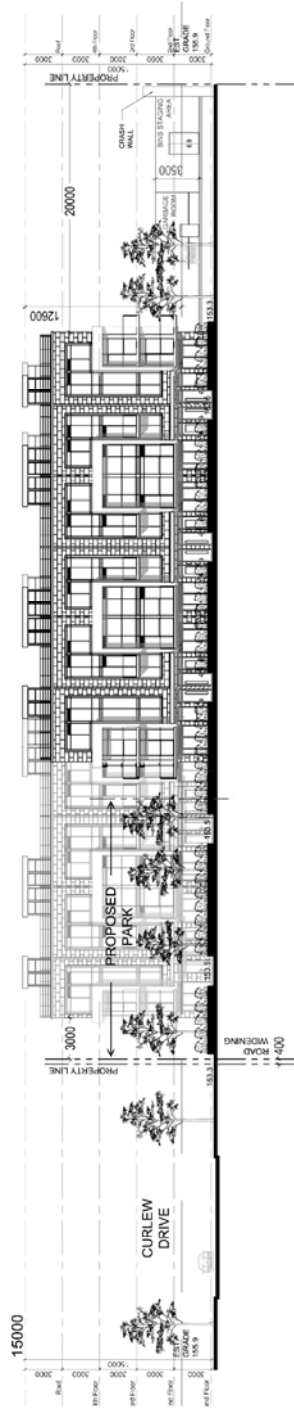
**West Elevation - B**

Applicant's Submitted Drawing

Not to Scale  
02/27/2018

File # 17 145887 NNY 34 0Z

**Attachment 2c: South Elevation**



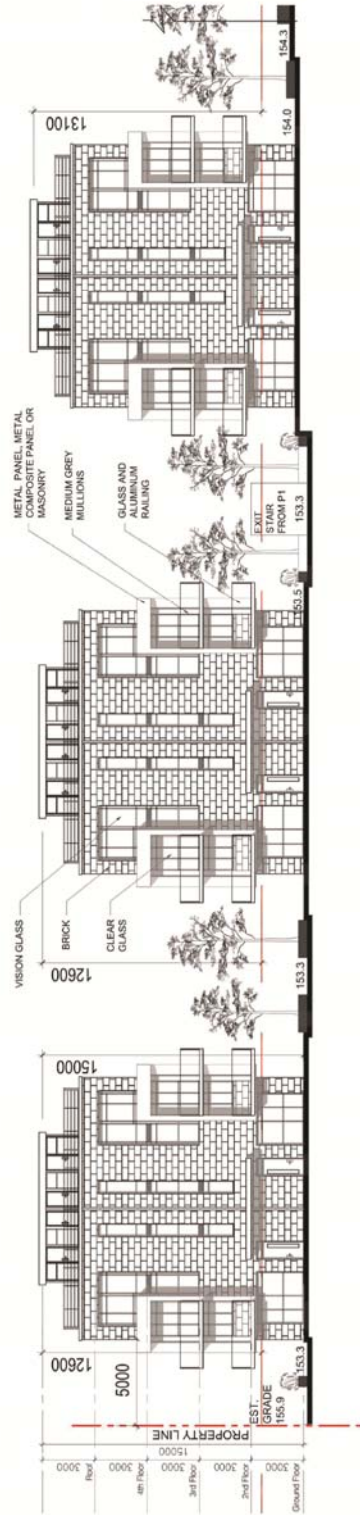
**71-75 Curlew Drive**

**File # 17 145887 NNY 34 0Z**

**South Elevation**  
**Applicant's Submitted Drawing**

Not to Scale  
 02/27/2018

Attachment 2d: East Elevation A



71-75 Curlew Drive

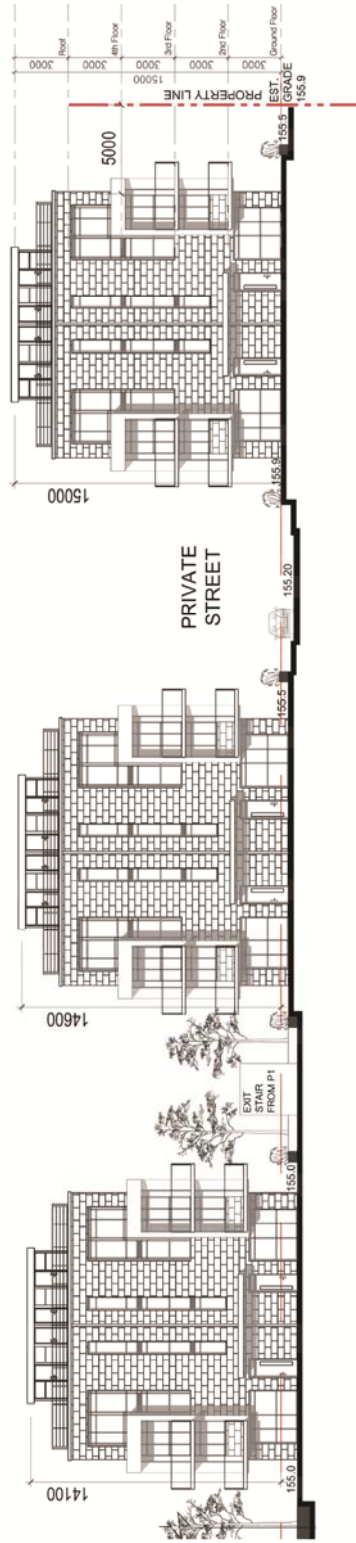
File # 17 145887 NNY 34 0Z

East Elevation - A

Applicant's Submitted Drawing

Not to Scale  
02/27/2018

**Attachment 2e: East Elevation B**



**71-75 Curlew Drive**

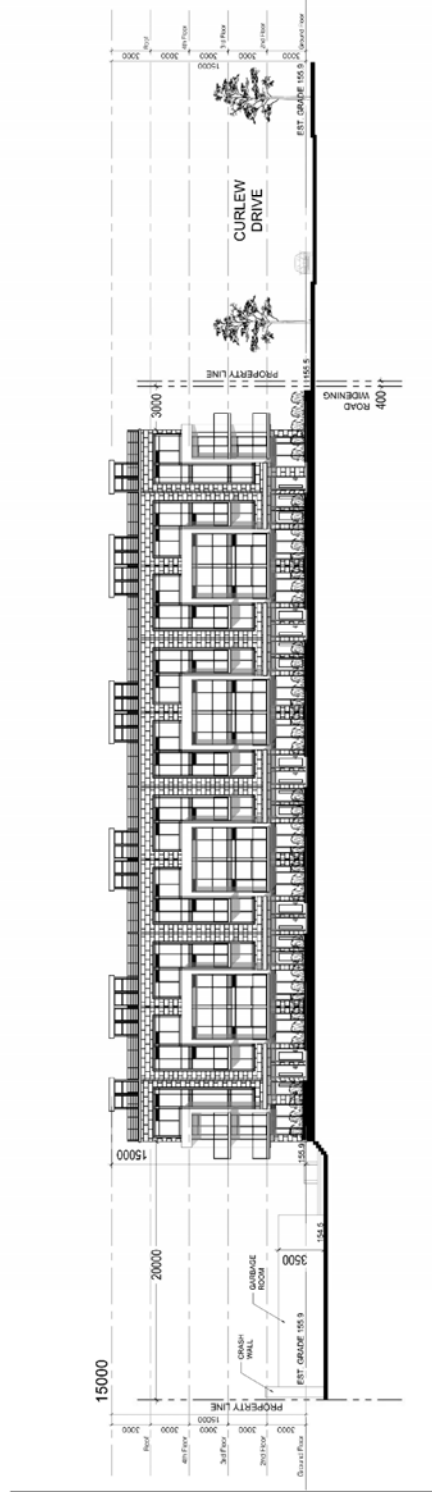
**East Elevation - B**  
Applicant's Submitted Drawing

Not to Scale  
02/27/2018

File # 17 145887 NNY 34 0Z



Attachment 2f: North Elevation



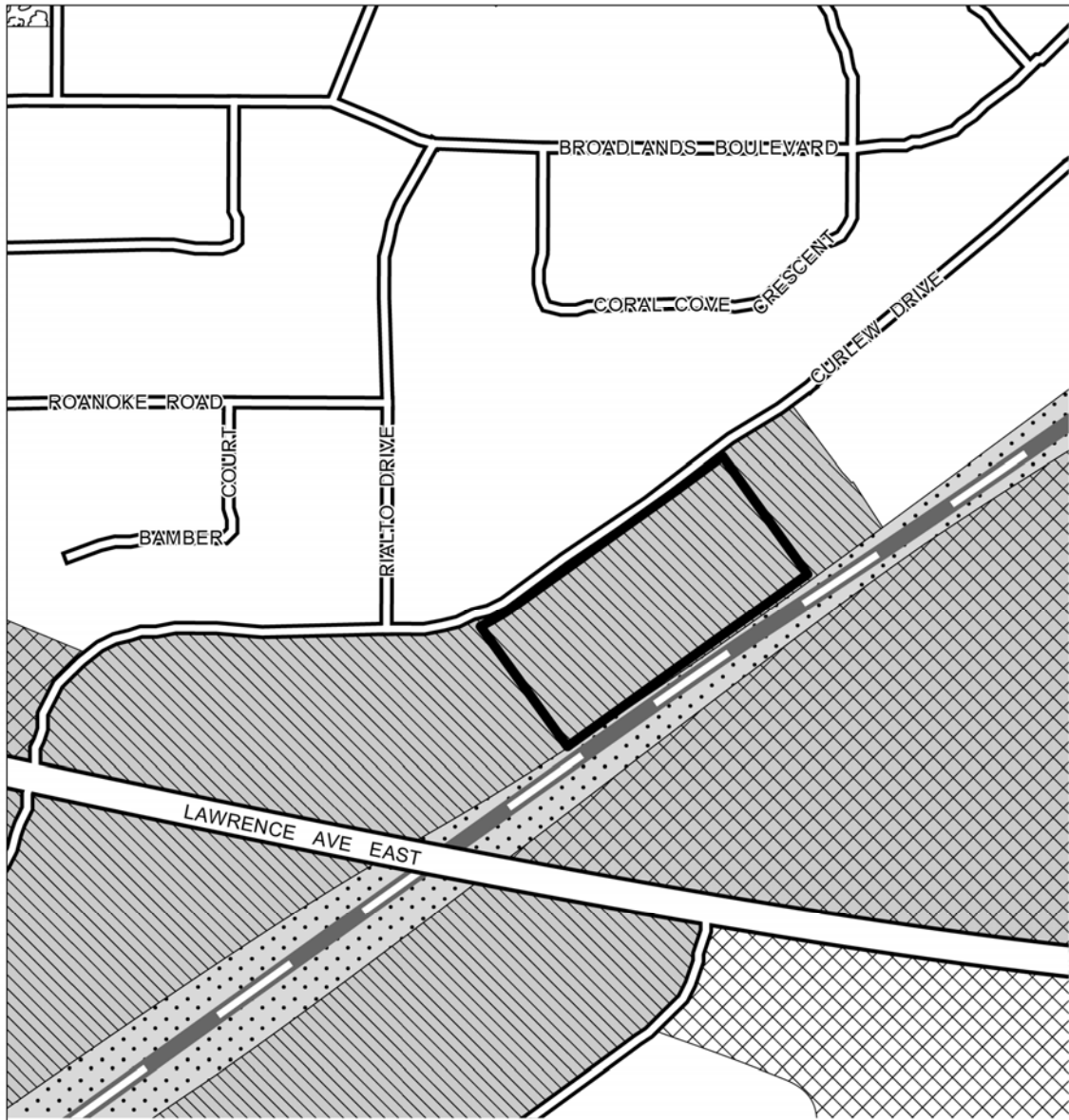
71-75 Curlew Drive

North Elevation  
Applicant's Submitted Drawing

File # 17 145887 NNY 34 0Z

Not to Scale  
02/27/2018

### Attachment 3: Official Plan



**Extract from Official Plan**

**71 - 75 Curlew Drive**

File # 17 145887 NNY 34 0Z

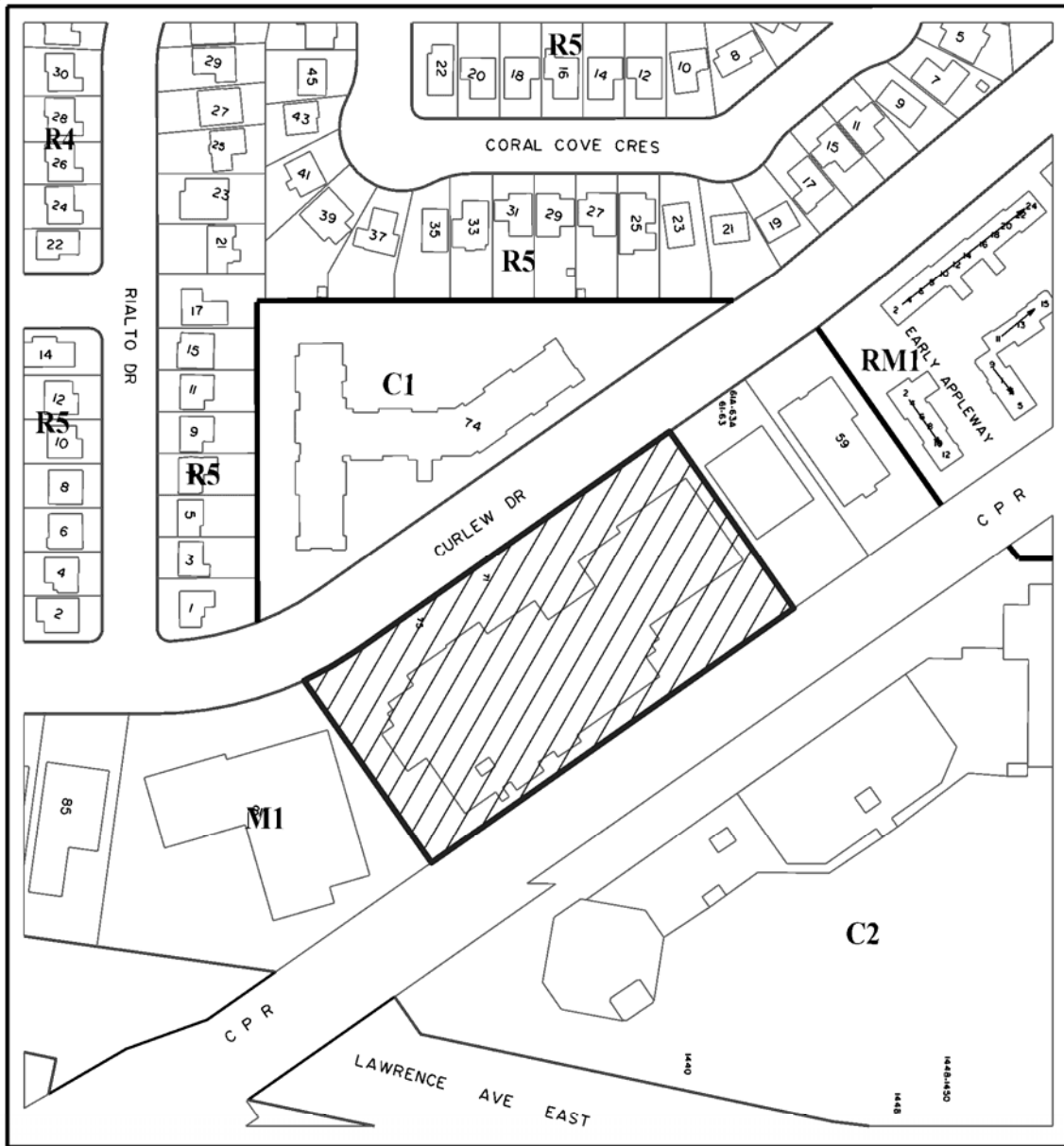
Site Location	<b>Parks &amp; Open Space Areas</b>	
Neighbourhoods	Natural Areas	Utility Corridors
Apartment Neighbourhoods	Parks	
Mixed Use Areas	Employment Areas	



Not to Scale  
02/26/2018

--- Roads not currently shown on Land Use Map

Attachment 4a: Zoning By-law No. 7625



71 - 75 Curlew Drive  
File # 17 195887 NNY 34 0Z

- R4 One-Family Detached Dwelling Fourth Density Zone
- R5 One-Family Detached Dwelling Fifth Density Zone
- RM1 Multiple-Family Dwellings First Density Zone
- C1 General Commercial Zone

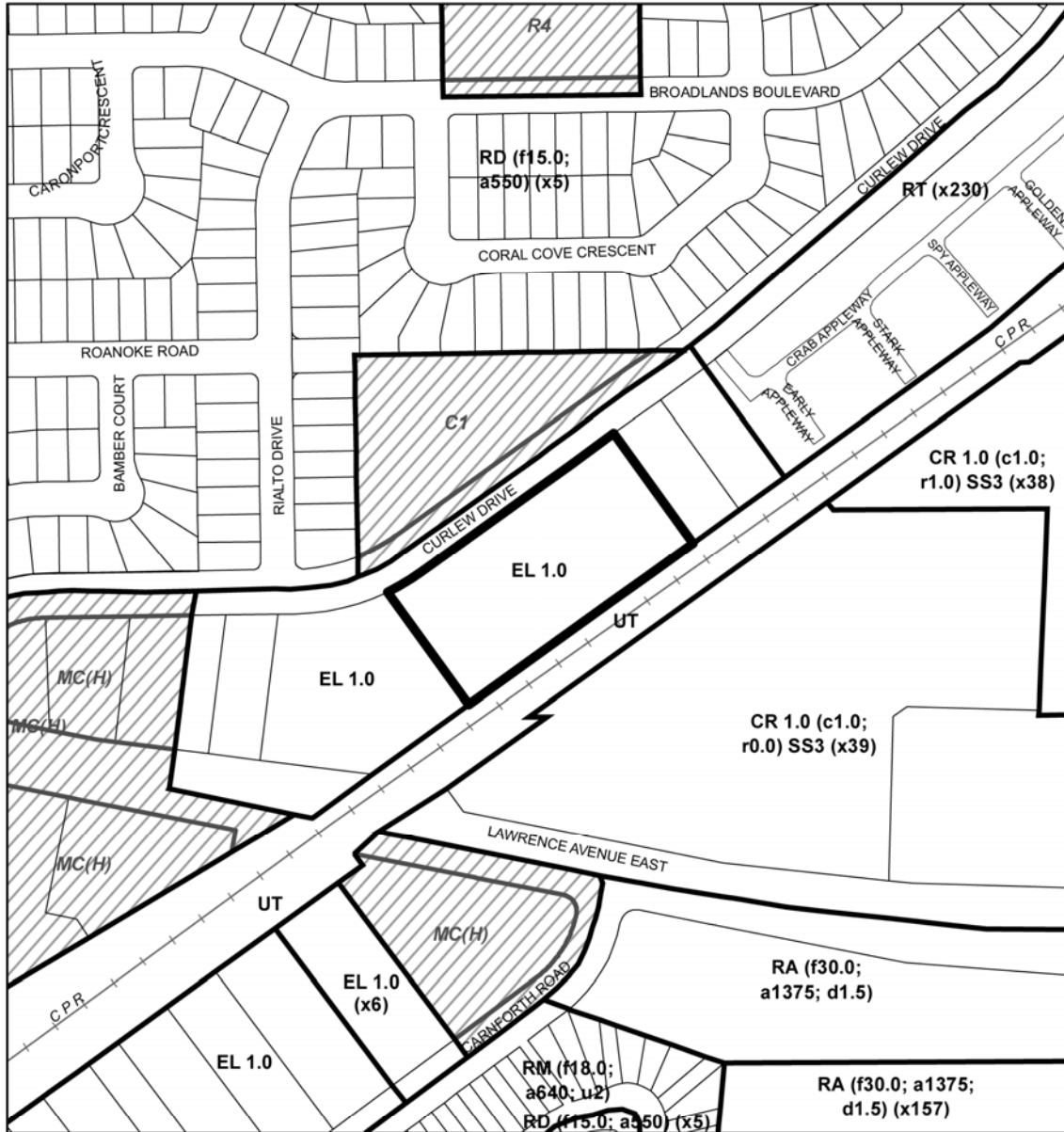
- C2 Local Shopping Centre Zone
- M1 Industrial Zone One



NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

Not to Scale  
Zoning By-law 7625  
Extracted 04/20/2017

Attachment 4b: Zoning By-law No. 569-2013



Zoning By-Law No. 569-2013

71-75 Curlew Drive

File # 17 145887 NNY 34 0Z

Location of Application

RD Residential Detached  
RT Residential Townhouse  
RM Residential Multiple

RA Residential Apartment  
CR Commercial Residential  
EL Employment Light Industrial  
UT Utility and Transportation

See Former City of North York By-Law No. 7625

R4 One-Family Detached Dwelling Fourth Density Zone  
C1 General Commercial Zone  
MC Industrial-Commercial Zone



Not to Scale  
Extracted: 04/20/2017

## Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	17 145887 NNY 34 OZ
Details	Rezoning, Standard	Application Date:	April 19, 2017

Municipal Address: 71 CURLEW DR

Location Description: PLAN M766 PT BLK MM RP R513 PART 1 RP R787 PART 1 RP R1016 PART 1  
\*\*GRID N3404

Project Description: A 222 unit , 4.5 storey stacked, back to back town house proposal with 1 storey below grade parking structure. 233 parking spaces are proposed.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Curlw Park Inc. 2225 Sheppard Avenue East, Suite 1100 Toronto, ON M2J 5C2	SHERMAN BROWN 5075 Yonge Street, Suite 900 Toronto, ON M2N 6C6	Page & Steele / IBI Group Architects 55 St Clair Ave West, 7th Floor Toronto, ON M4V 1N5	Same as Applicant

### PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	Y (SASP 56)
Zoning:	EL 1.0	Historical Status:	N
Height Limit (m):	15	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	12,787	Height:	Storeys:	4.5
Frontage (m):	161.75		Metres:	15
Depth (m):	81.14			
Total Ground Floor Area (sq. m):	4,902.5			<b>Total</b>
Total Residential GFA (sq. m):	19,575		Parking Spaces:	233
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	19,575			
Lot Coverage Ratio (%):	38.5			
Floor Space Index:	1.54			

### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	130
3 + Bedroom:	92
Total Units:	222

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	19,575		0
Retail GFA (sq. m):	0	0	0
Office GFA (sq. m):	0	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

**CONTACT:**      **PLANNER NAME:**      **Valeria Maurizio, Planner**  
**PHONE / EMAIL:**      **(416) 395-7052 or [Valeria.Maurizio@toronto.ca](mailto:Valeria.Maurizio@toronto.ca)**

**Attachment 6: Draft Zoning By-law Amendment to By-law No. 7625**

Authority: North York Community Council Item ~ as adopted by City of Toronto  
Council on ~, 20~  
Enacted by Council: ~, 20~

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-20~**

**To amend ~ Zoning By-law No.7625, as amended,  
With respect to the lands municipally known as,  
71 -75 Curlew Dr**

Whereas Council of the City of Toronto has the authority to 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;

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 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* 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

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013 as amended, 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 HEREBY ENACTS as follows:

1. Schedules “B” and “C” of By-law 7625 of the former City of North York are amended in accordance with Schedule “1” of this By-law;

2. Section 64.19 of By-law 7625 is amended by adding the following subsection:

**“64.19 (33) RM4 (33)”**

(a) Notwithstanding any other provisions of By-law 7625 to the contrary, the following provisions shall apply to the site subject to this By-law:

**DEFINITIONS**

For the purposes of this exception, the following definitions shall have the following meaning:

- (b) "established grade" shall mean 155.90 metres Canadian Geodetic Datum;
- (c) "apartment house dwelling" shall mean a building containing more than four (4) dwelling units, with at least one dwelling unit entirely or partially above another, and each dwelling unit has a separate access externally or from a common area/corridor; and may be located partially below established grade;
- (d) "temporary sales centre" shall mean a building, structure, facility or trailer to be erected on the lands and used for the purpose of the sale of dwelling units and/or the administration and management of construction activity related to construction on the lands;
- (e) "bicycle parking space – residential" shall mean an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles, and:
  - (i) Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
  - (ii) Where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
  - (iii) In the case of a bicycle rack or locker, is located in a secured room or area; and
  - (iv) if a stacked bicycle parking space is provided, the minimum vertical clearance for each bicycle parking space is 1.2 metres;
- (f) "bicycle parking space – visitor" shall mean means an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles, and:

- (i) Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
- (ii) Where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
- (iii) May be located indoors or outdoors including within a secured room or enclosure; and
- (iv) if a stacked bicycle parking space is provided, the minimum vertical clearance for each bicycle parking space is 1.2 metres;

### **PERMITTED USES**

- (g) For the lands shown as RM4(33) on Schedule “1”, the only permitted uses shall be apartment house dwellings and uses accessory thereto, and a temporary sales centre;

### **EXCEPTION REGULATIONS**

#### **MAXIMUM GROSS FLOOR AREA**

- (h) Notwithstanding Section 19.3.5, the maximum gross floor area shall not exceed 20,765 square metres;

#### **MAXIMUM NUMBER OF DWELLING UNITS**

- (i) The permitted maximum number of dwelling units is 222;

#### **YARD SETBACKS**

- (j) Notwithstanding Section 19.3.4, the minimum yard setbacks for all buildings and structures above shall be as shown on Schedule RM4(33);
- (k) No part of any building or structure erected or used above finished ground level shall be located otherwise than wholly within the area delineated by the heavy lines of Schedule RM4(33);
- (l) Notwithstanding Section 6(9) of the By-law and except where a heavy line on Schedule “RM4 (33)” is contiguous with a boundary of the site, nothing in section 6(9) shall prevent the following building elements or structures from projecting into the minimum front yard setback, side yard setback, or distance between buildings as shown on Schedule RM4(33):

- (i) decks, porches, and platforms, to a maximum of 1.5 metres;



- (ii) awnings and canopies to a maximum of 1.5 metres;
  - (iii) exterior stairs, pedestrian access ramp and elevating device up to a maximum of 1.5 metres;
  - (iv) architectural features, masonry features and eaves to a maximum of 0.9 metres;
  - (v) balconies to a maximum of 1.5 metres;
  - (vi) window projections and bay windows to a maximum of 0.6 metres;
  - (vii) vents and pipes to a maximum of 0.6 metres;
  - (viii) ornamental non-structural window frames to a maximum of 1.1 metres;
- (m) Notwithstanding Section 6(9) of the By-law and except where a heavy line on Schedule “RM4 (33)” is contiguous with a boundary of the site, nothing in section 6(9) shall prevent the following building elements or structures from projecting into the minimum rear yard setback, as shown on Schedule RM4(33):
- (i) awnings and canopies to a maximum of 1.5 metres;
  - (ii) exterior stairs, pedestrian access ramp and elevating device up to a maximum of 1.5 metres;
  - (iii) architectural features, masonry features and eaves to a maximum of 0.9 metres;
  - (iv) vents and pipes to a maximum of 0.6 metres;
  - (v) railings to a maximum of 0.5 metres; and
  - (vi) ornamental cladding and non-structural window frames to a maximum of 1.1 metres;
- (n) Notwithstanding Section 19.3.4, the minimum front yard setback, side yard setback and rear yard setback for an underground parking garage may be 0.0 metres;

#### BUILDING HEIGHT

- (o) Notwithstanding Section 19.3.6, the building height, of all buildings, on the lot shall not exceed the maximum height in metres, following the letters "HT" as shown on Schedule RM4(33) with the exception of the following:
- (i) external elevating devices, external stairs and associated enclosures, garbage enclosures, guardrails, balustrades, and railings leading to an underground parking garage to a maximum of 5.0 metres; and
  - (ii) privacy screens, utility enclosures, and parapets on the roof of a **building** to a maximum of 1.5 metres;

#### RECREATIONAL AMENITY AREA

- (p) Recreational amenity space will be provided in accordance with the following minimum requirements:

- (i) A minimum of 600 square metres of outdoor recreational amenity area is required; and
- (ii) A minimum of 111.5 square metres of indoor recreational amenity area is required;

#### DISTANCE BETWEEN BUILDINGS

- (q) The minimum distance between buildings or portions thereof shall be as shown on “RM4 (33)”;

#### REQUIREMENTS FOR ACCESSORY BUILDINGS

- (r) Notwithstanding Section 6(23) of By-law 7625, as amended, accessory buildings are permitted;

#### PARKING

- (s) Notwithstanding Section 6A(2), parking spaces for apartment house dwellings shall be provided and maintained in accordance with the following minimum requirements:
  - (i) 200 parking spaces for the residents of the dwelling units; and
  - (ii) 33 parking spaces for visitors of the dwelling units;

#### BICYCLE PARKING SPACES

- (t) Bicycle parking spaces shall be providing within the site in accordance with the following requirements for 222 dwelling units:
  - (i) bicycle parking spaces - Resident: a minimum of 153 bicycle parking spaces shall be provided; and
  - (ii) bicycle parking spaces - Visitor: a minimum of 16 bicycle parking spaces shall be provided;

#### LANDSCAPED OPEN SPACE

- (u) Notwithstanding Section 15.8 (a-c) a minimum of 5,800 square metres of landscaped open space, which is inclusive of paths, patios, walkways, permeable pavers, and soft landscaping, shall be provided on the lot;

#### **SECTION 37**

- (v) Pursuant to Section 37 of the Planning Act, 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 in return for the provision by the owner, at the owner’s expense of the facilities, services, and matters set out in Schedule A

hereof 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.

- (w) 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 depended on satisfaction of the same.
- (x) 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 are satisfied.

### **LAND DIVISION**

- (y) Notwithstanding any existing or future severance, partition, or division of the site, the provisions of this By-law shall continue to apply to the whole of the site as if no severance, partition, or division occurred.

### **PROVISIONS NOT APPLICABLE**

- (z) The provisions of Section 6A(5)(b)(vii), 6A(8)(e), 6A(16)(c)(i), 6(23)(a)(i)(C), 6(23)(a)(ii)(C), 6(23)(a)(iv), 6(24)(a), 6(24)(d)(ii), 19.3.2, 19.3.3, 19.3.4, 19.3.5 and 19.3.6 and shall not apply;

### **OTHER PROVISIONS**

- (aa) Within the lands shown on Schedule "1" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
    - (a) all new public roads 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, have been installed and are operational.
3. Section 64.19 of By-law No. 7625 is amended by adding Schedule RM4(33) attached to this By-law.

ENACTED AND PASSED this ~ day of ~, A.D. 2018.

FRANCES NUNZIATA,  
Speaker

(Seal of the City)

ULLI S. WATKISS,  
City Clerk

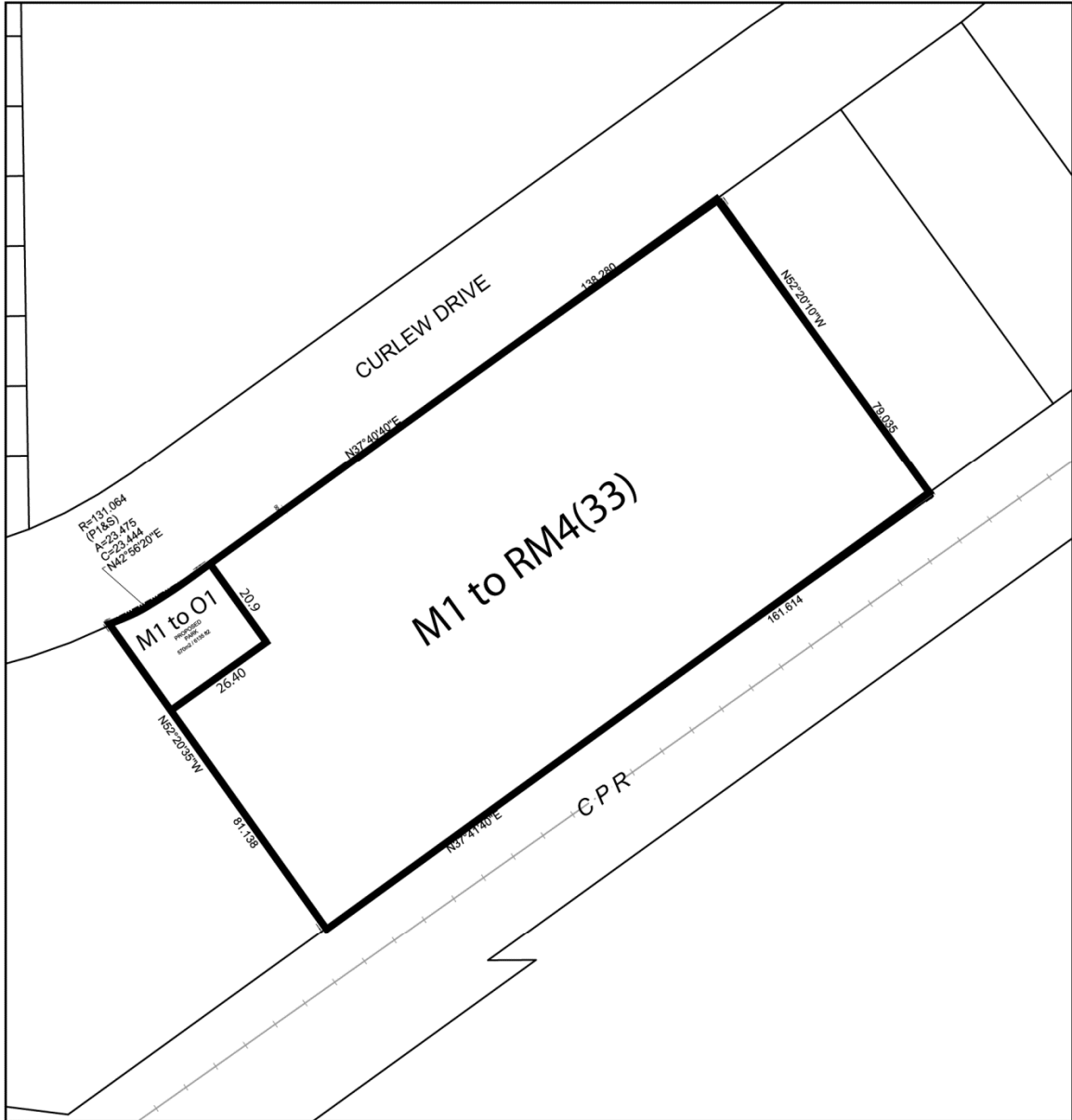
**Schedule A**  
**Section 37 Provisions**

**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 density of the proposed development on the lands as shown in Schedule 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:**

- i. Prior to the issuance of the first above-grade building permit the Owner shall provide a contribution in the amount of \$750,000 to be used towards park improvements at Broadlands Park, including the construction of a new splash pad and pathway improvements.
- ii. The financial contribution referred to in subsection .i shall be indexed upwardly in accordance with the Statistics Canada Non-Residential or Apartment-Building-Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
- iii. In the event the cash contribution referred to in Section i has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

- i. Prior to the issuance of Notice of Approval Conditions for the Site Plan application, the Owner shall submit a revised rail safety study/ derailment plan, for peer review by the City's peer reviewer, and to the satisfaction of the Chief Planner and Executive Director of City Planning and shall incorporate all measures into the plans and drawings submitted in the context of site plan approval pursuant to s114 of the City of Toronto Act, 2006, as amended, and s41 of the Planning Act, as amended and as applicable;
- ii. In the event that the proposed grade alterations are not accepted by CP rail, the Owner acknowledges that redesign of the grading and servicing requirements may be required. In this regard the Owner acknowledges that revisions to the built form of the Development may be required together with the new zoning application to accomplish a redesign of the proposed grading and servicing approach.



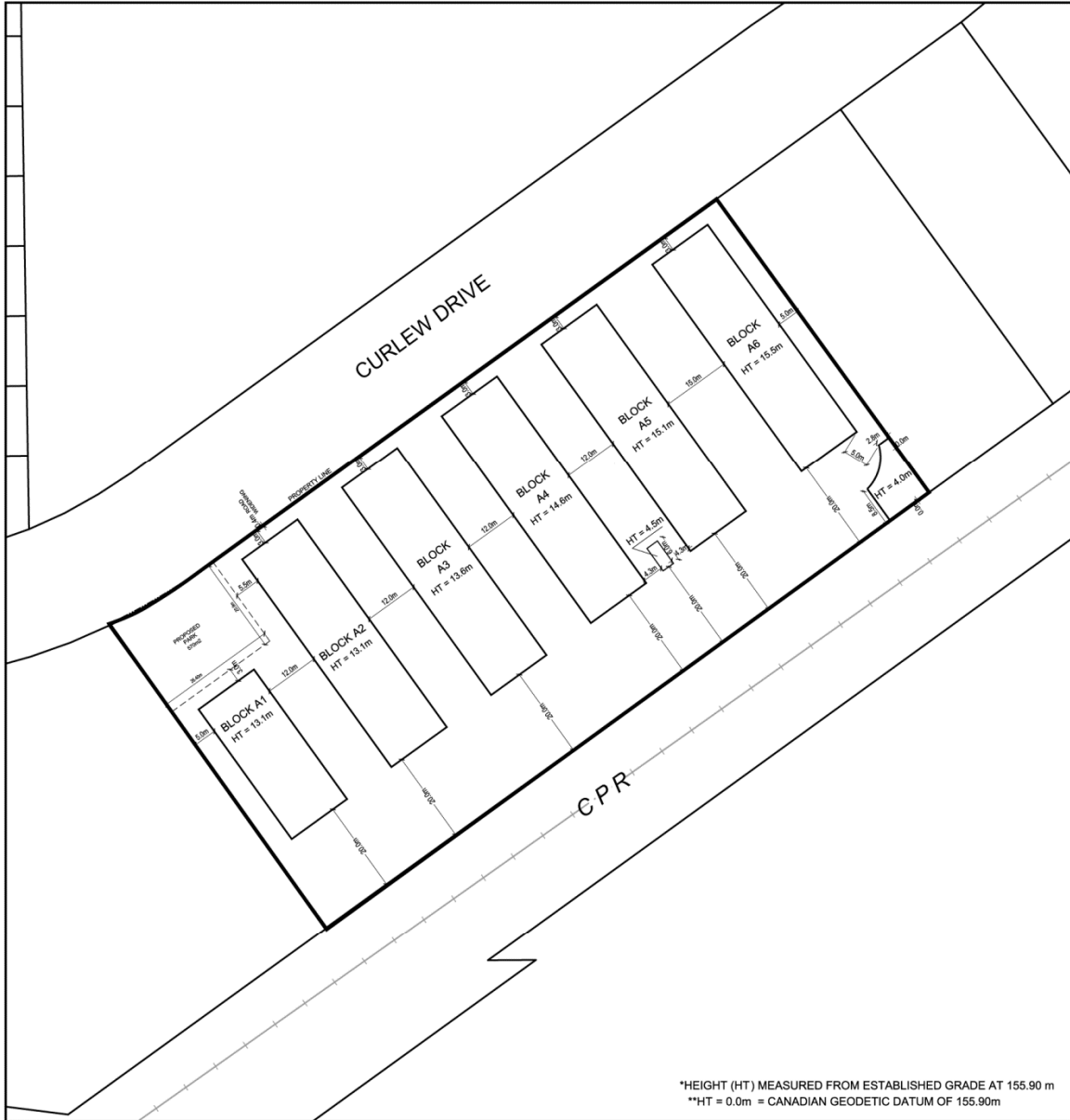
**71-75 Curlew Drive**  
**Schedule 1**



File # 17 145887 NNY 34 0Z

Date: 03/16/2018  
 Approved by:

  
 Not to Scale



**71-75 Curlew Drive**  
**RM4 (33)**



File # 17 145887 NNY 34 0Z

Date: 03/16/2018  
 Approved by: V.M.



**Attachment 7: Draft Zoning By-law Amendment to By-law 569-2013**

Authority: North York Community Council Item ~ as adopted by City of Toronto Council on ~, 2018

Enacted by Council: ~, 2018

**CITY OF TORONTO  
BY-LAW No. ~-2018**

**To amend City of Toronto Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known as 71-75 Curlew Drive in the year 2018**

Whereas Council of the City of Toronto has the authority to pass this By-law pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended; 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*;

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, 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 matter 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 and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013, as amended, are 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; and

Whereas pursuant to Section 39 of the Planning Act, the council of a Municipality may, in a by-law passed under section 34 of the Planning Act, authorize the temporary use of land, buildings, or structures for any purpose set out therein that is otherwise prohibited by the by-law; and

The Council of the City of Toronto HEREBY ENACTS:

1. The lands subject to this By-law are outlined by heavy 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 No. 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 by heavy lines to O and RM (x.XXX) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.6.10 Exception Number XXX so that it reads:

**Exception RM XXX**

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:

- (B) On the lands municipally known as 71 and 75 Curlew Drive in 2018, if the requirements in Section 5 and Schedule A of By-law [Clerks to provide by-law ##] are complied with, none of the provisions of 10.80.40.10(1) and 10.80.40.40(1) apply to prevent the erection or use of a **building, structure**, addition or enlargement permitted in compliance with (B) to (DD) below;
- (C) Despite regulation 10.80.30.20(1) the required minimum **lot frontage** is 135 metres;
- (D) The permitted maximum number of **dwelling units** is 222;
- (E) Despite regulation 10.80.40.40 (1), the permitted maximum **gross floor area** is 19,600 square metres;
- (F) Despite regulation 10.5.40.10 (1) the height of a **building** or **structure** on the lands is measured as the vertical distance between the Canadian Geodetic Datum elevation of 155.90 metres and the highest point of the **building** or **structure**;
- (G) Despite 10.80.40.10 (1) the permitted maximum height for a **building** or **structure** is the numerical value, in metres, following the letters "HT" as shown on Diagram 3, attached to By-law ### [NTD: City Clerk to provide By-law #];



- (H) Despite (F) above and regulation 10.5.40.10 (4), privacy screens, utility enclosures, and parapets on the roof of a **building** may exceed the permitted maximum height as shown on Diagram 3, attached to By-law ## [NTD: City Clerk to provide By-law ##] to a maximum of 1.5 metres;
- (I) Despite (F) above, external elevating devices, external stairs and associated enclosures, guardrails, balustrades, and railings leading to an underground **parking garage** which are permitted to encroach into the required **building setbacks** and separation distances may have a height no greater than 5.0 metres;
- (J) Despite Clause 10.80.40.70, the required minimum **building setbacks** for all **buildings** and **structures** are as shown on Diagram 3, attached to By-law ### [NTD: City Clerk to provide By-law #];
- (K) Despite (I) above and regulation 5.10.40.70 (2), no minimum **front yard setback side yard setback**, or **rear yard setback** is required for any part of an underground **parking garage**;
- (L) Despite Clause 10.80.40.80, the required minimum above-ground separation distance between the **main walls** of **buildings** is as shown on Diagram 3, attached to By-law ###; [NTD: City Clerk to provide By-law #]
- (M) Despite (I) and (K) above, and despite regulation 10.5.40.50(2), and Clause 10.5.40.60, the following may encroach into the required minimum **front yard setback**, minimum **side yard setback** or separation distances shown on Diagram 3 of By-law [Clerks to supply by-law ##] as follows:
- (i) decks, porches, platforms, and privacy screens to a maximum of 1.5 metres;
  - (ii) awnings and canopies to a maximum of 1.5 metres;
  - (iii) exterior stairs, pedestrian access ramp and elevating device up to a maximum of 1.5 metres;
  - (iv) architectural features, masonry features and eaves to a maximum of 0.9 metres;
  - (v) balconies to a maximum of 1.5 metres;
  - (vi) window projections and bay windows to a maximum of 0.6 metres;
  - (vii) vents and pipes to a maximum of 0.6 metres; and
  - (viii) ornamental non-structural window frames to a maximum of 1.1 metres;
- (N) Despite (I) above and despite regulation 10.5.40.50(2), and Clause 10.5.40.60, the following may encroach into the required minimum **rear yard setbacks** as shown on Diagram 3 of By-law [Clerks to supply by-law ##] as follows:
- (vii) awnings and canopies to a maximum of 1.5 metres;

- (viii) exterior stairs, pedestrian access ramp and elevating device up to a maximum of 1.5 metres;
  - (ix) architectural features, masonry features and eaves to a maximum of 0.9 metres;
  - (x) vents and pipes to a maximum of 0.6 metres;
  - (xi) railings to a maximum of 0.5 metres; and
  - (xii) ornamental non-structural window frames to a maximum of 1.1 metres;
- (O) Despite regulation 10.5.50.10 (4) and (6), the minimum required **landscaping** on the lot is 5,800 square metres; and a minimum of 2,900 square metres of the required **landscaping** must be **soft landscaping**;
- (P) Despite regulations 10.5.60.20(2) and (3), the required minimum **building setbacks** and separation distances for **ancillary buildings** or **structures** are as shown on Diagram 3, attached to By-law ### [NTD: City Clerk to provide By-law #];
- (Q) Despite regulation 10.5.60.40(1), the height of an **ancillary building** or **structure** is measured as the vertical distance between the Canadian Geodetic Datum elevation of 155.90 metres and the highest point of the **ancillary building** or **structure**;
- (R) Despite regulation 10.5.60.40(2) the permitted maximum height for an **ancillary building** or **structure** is the numerical value, in metres, following the letters "HT" as shown on Diagram 3 attached to By-law ### [NTD: City Clerk to provide By-law #];
- (S) Regulation 10.5.60.50(2), with respect to the maximum **gross floor area** of **ancillary buildings** or **structures** does not apply;
- (T) Despite (O), (Q), and (R) above and regulation 10.5.150.1 (1), **ancillary buildings** or **structures** for the purposes of waste bin collection and storage are permitted;
- (U) Despite regulation 10.5.60.60(1), eaves of a roof of an **ancillary building** may encroach into the required minimum **building setback** a maximum of 0.3 metres;
- (V) Despite regulation 10.5.100.1(4), a **driveway** may have a maximum total width of 7.0 metres;
- (W) Regulations 10.5.100.1 (5), (7) and (8), with respect to **driveway** access do not apply;
- (X) A minimum of 600 square metres of outdoor **amenity space** is required;

- (Y) A minimum of 111.5 square metres of indoor **amenity space** is required;
- (Z) Despite Table 200.5.10.1, the required minimum number of **parking spaces** is:
  - (i) 200 **parking spaces** for the residents of the **dwelling units**; and
  - (ii) 33 **parking spaces** for visitors of the **dwelling units**;
- (AA) Regulations 200.15.1(4), 200.15.1.5 (1), and 200.15.15.4 (2), with respect to location of accessible **parking spaces** do not apply;
- (BB) Regulation 230.5.10.1(2) respecting short term **bicycle parking rates** does not apply;
- (CC) Regulation 230.10.1.20 (2) with respect to location of "short-term" **bicycle parking spaces** does not apply; and
- (DD) A temporary sales office is permitted in a **building** on these lands for a period of 3 years beginning from the date of the passing of By-law ### [NTD: City Clerks to provide By-law #] for the purposes of marketing and sale of the **dwelling units** permitted on these lands, and no other provision of this By-law applies to prevent a temporary sales office.

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

5. Section 37 Provisions:

- A. Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram [1] in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof 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.
- C. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

ENACTED AND PASSED this ~ day of ~, A.D. 2017.

FRANCES NUNZIATA,  
Speaker

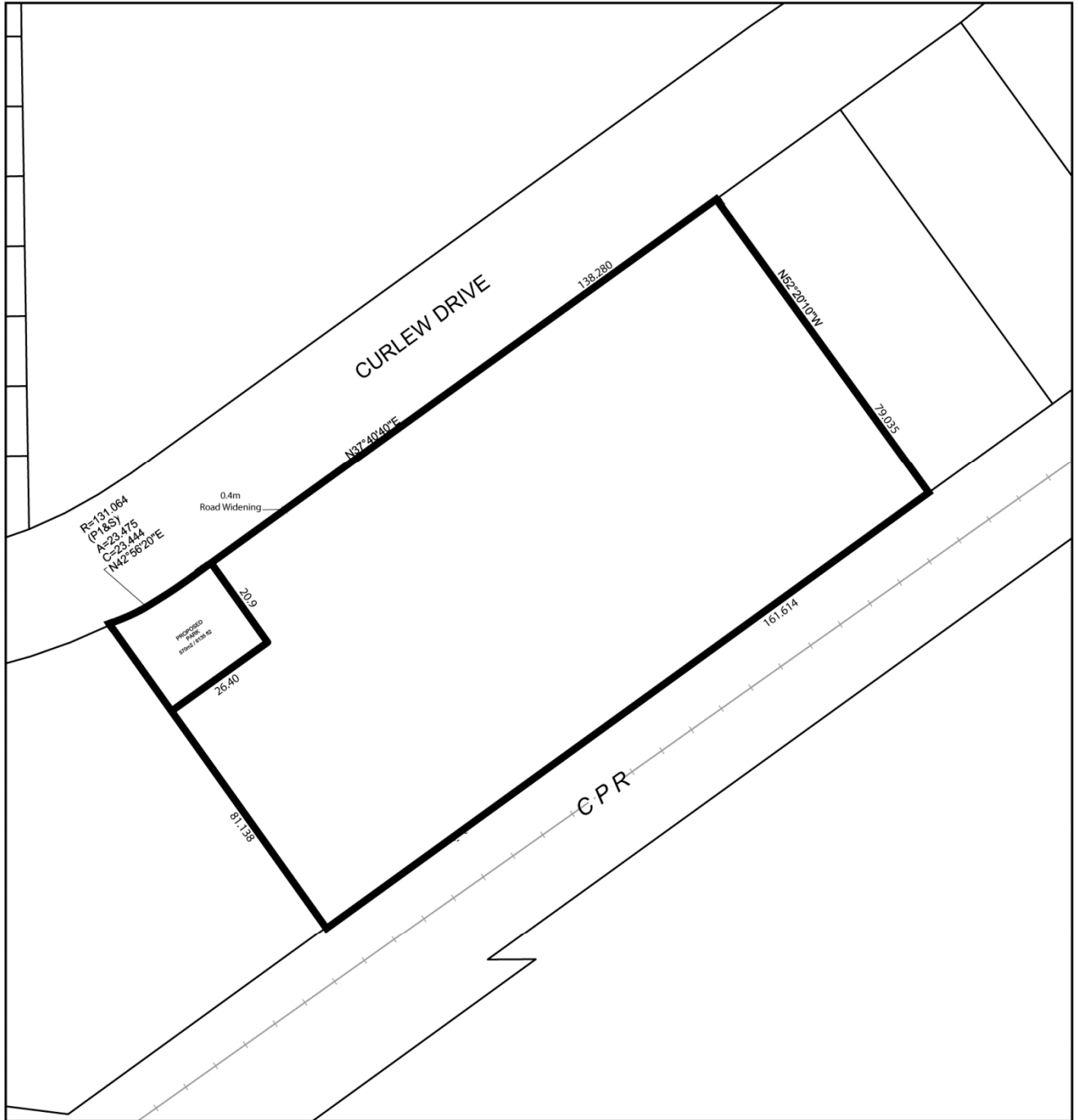
ULLI S. WATKISS,  
City Clerk

(Seal of the City)

**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 density of the proposed development on the lands as shown in Schedule 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:**

- (1) The community benefits recommended to be secured in the Section 37 Agreement are as follows:
  - iv. Prior to the issuance of the first above-grade building permit the Owner shall provide a contribution in the amount of \$750,000 to be used towards park improvements at Broadlands Park, including the construction of a new splash pad and pathway improvements.
  - v. The financial contribution referred to in subsection (i) shall be indexed upwardly in accordance with the Statistics Canada Non-Residential or Apartment-Building-Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
  - vi. In the event the cash contribution referred to in Section (i) has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- (2) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
  - i. Prior to the issuance of Notice of Approval Conditions for the Site Plan application, the Owner shall submit a revised rail safety study/ derailment plan, for peer review by the City's peer reviewer, to the satisfaction of the Director, Community Planning, North York District and shall incorporate all measures into the plans and drawings submitted in the context of site plan approval pursuant to s114 of the City of Toronto Act, 2006, as amended, and s41 of the Planning Act, as amended and as applicable;
  - ii. In the event that the proposed grade alterations are not accepted by CP rail, the Owner acknowledges that redesign of the grading and servicing may be required. In this regard the Owner acknowledges that revisions to the built form of the development may be required together with zoning amendments to accomplish a redesign of the proposed grading and servicing approach.

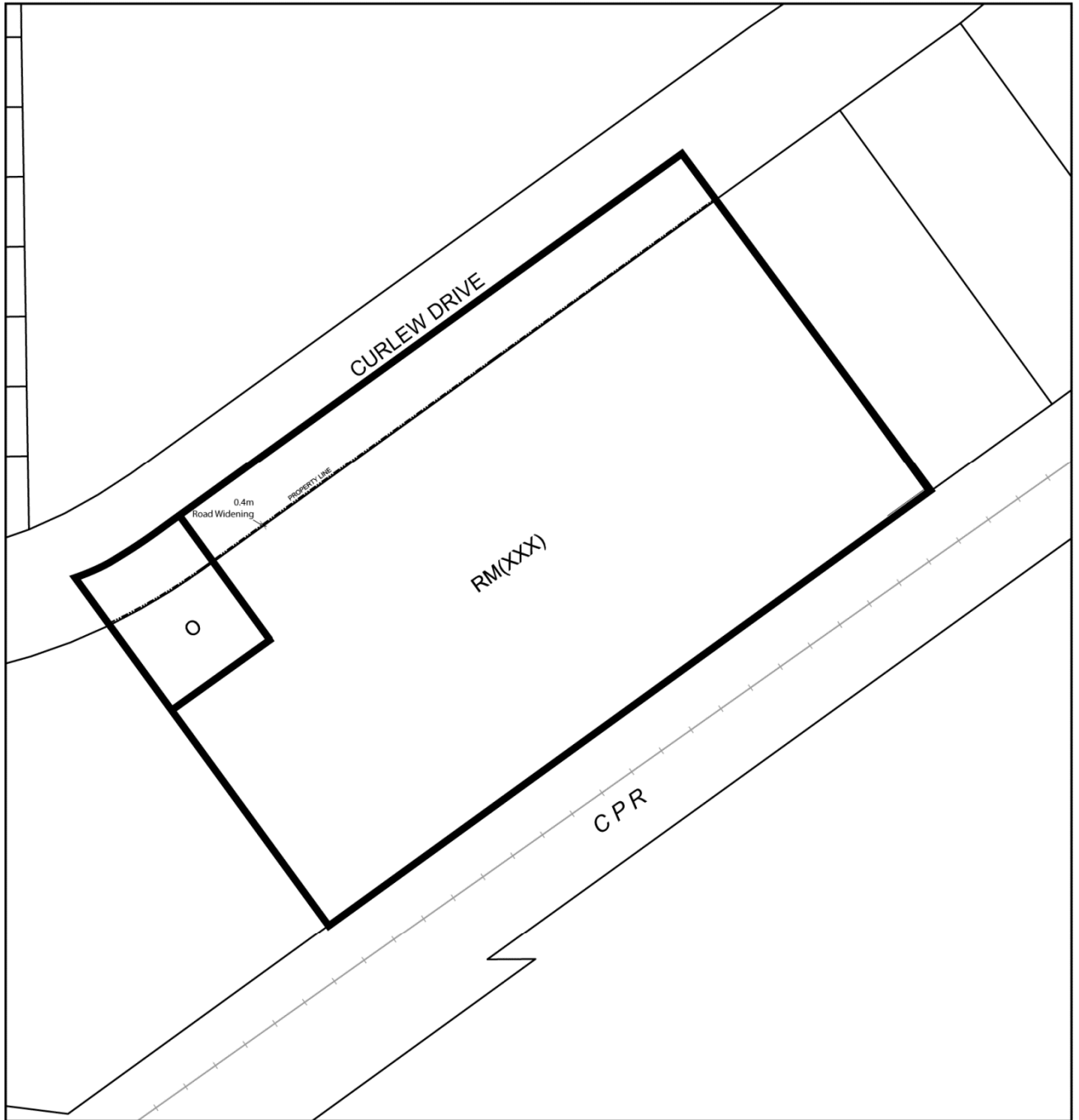


**Toronto**  
**Diagram 1**

**71-75 Curlew Drive**

File # 17145887 NNY 34 0Z


City of Toronto By-Law 569-2013  
 Not to Scale  
 2/28/2018

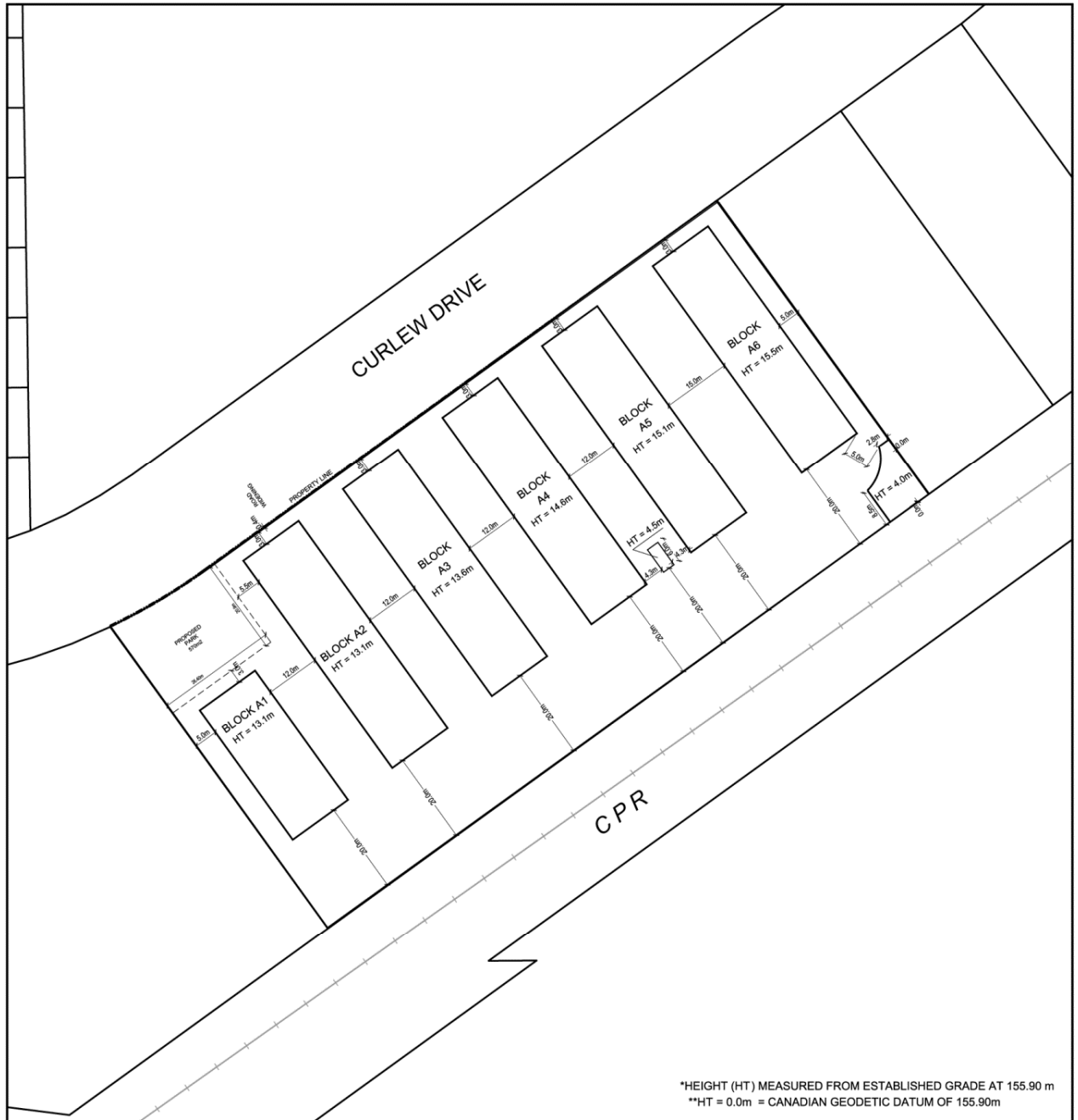


**TORONTO**  
 Diagram 2

**71-75 Curlew Drive**

File # 17145887 NNY 34 0Z

  
 City of Toronto By-Law 569-2013  
 Not to Scale  
 2/28/2018



**Toronto**  
Diagram 3

**71-75 Curlew Drive**

File # 17145887 NNY 34 0Z



City of Toronto By-Law 569-2013  
Not to Scale  
2/28/2018