

Authority: Toronto and East York Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

Bill No. ~
BY-LAW No. XXXX-2019

**To amend Zoning By-law No. 569-2013, as amended,
With respect to the lands municipally known in the year 2019 as 57-77 Wade
Avenue**

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 height and 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 enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law;
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 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 black lines to E 2.0(x233) as shown on Diagram 2 attached to this By-law; and
4. Zoning By-law No. 569-2013, as amended, is further amended by amending Article 900.20.10 Exception Number 233 so that it reads:

Exception E 233

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 57, 65 and 77 Wade Avenue, if the requirements of Section 5 and Schedule A of By-law ~ - 2019 are complied with then none of the provisions of 60.20.40.10 and 60.5.40.40 apply to prevent the erection and use of a building or structure in compliance with (B) to (Q) below;
- (B) Despite regulation 60.20.1.10(3) the permitted maximum floor space index of all uses on the **lot** is 3.8;
- (C) Despite regulation 60.20.20.100(4) regarding the requirement for a **retail store** to be associated with a permitted **manufacturing use**, separated by a floor to ceiling wall that prevents public access does not apply;
- (D) Despite regulation 60.20.20.100(4)(C), the permitted maximum **interior floor** of a **retail store** is 500 square metres;
- (E) Regulation 60.20.50.10(1) regarding the requirement to provide a 3.0 metre wide strip of **soft landscaping** along the **lot line** does not apply;
- (F) The permitted maximum **gross floor area** for all non-residential uses is 13,123.00 square metres;
- (G) Despite regulation 60.20.40.10(1) the permitted maximum height is as shown on Diagram 3 of By-law ~ -2019 [Clerks to insert number];
- (H) Despite regulations 60.20.40.70(1), (2) and (3), the required minimum **building setbacks** are as shown on Diagram 3 of By-law ~ - 2019 [Clerks to insert number];

- (I) Despite Clause 60.5.40.10 and Clause 60.5.40.60, rail safety structures may project above the permitted maximum height as shown on Diagram 3, and may encroach into the required minimum **building setback**, as shown on Diagram 3;
- (J) Despite regulation 200.5.10.1(1), a minimum of 33 **parking spaces** must be provided on the **lot**, of which 2 **parking spaces** may be used for LEV, carpooling or car sharing purposes;
- (K) Despite regulation 200.5.1.10(2), a maximum of 4 **parking spaces** may have the following minimum dimensions, with or without obstructions:
 - i. length of 5.6 metres;
 - ii. width of 2.6 metres; and
 - iii. vertical clearance of 2.0 metres;
- (L) Despite regulation 200.15.10(1), 1 accessible **parking space** must be provided on the **lot**;
- (M) Despite regulation 230.5.10.1(1), a minimum of 87 "long term" **bicycle parking spaces**, and a minimum of 35 "short term" **bicycle parking spaces** must be provided on the **lot**;
- (N) Despite regulation 230.5.1.10(7)(C), a minimum of 3 shower and change facilities must be provided for each gender for the "long term" **bicycle parking spaces** on the **lot**;
- (O) Despite regulations 220.5.10.1(3) and (5), one Type 'G' **loading space** and one Type 'B' **loading space** must be provided on the **lot**;
- (P) Despite regulation 220.5.1.10(8)(D) a Type 'G' **loading space** must have:
 - i. a minimum width of 4.0 metres;
 - ii. a minimum length of 13.0 metres; and
 - iii. a minimum vertical clearance of 6.1 metres;
- (Q) Despite regulation 220.5.1.10(B) a Type 'B' **loading space** must have:
 - i. a minimum width of 3.5 metres;
 - ii. a minimum length of 11.0 metres; and
 - iii. a minimum vertical clearance of 4.0 metres;

Prevailing By-law 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 on month ##, 20## [Clerks to insert date].

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 height and density of the proposed development on the lands as shown in Diagram 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:

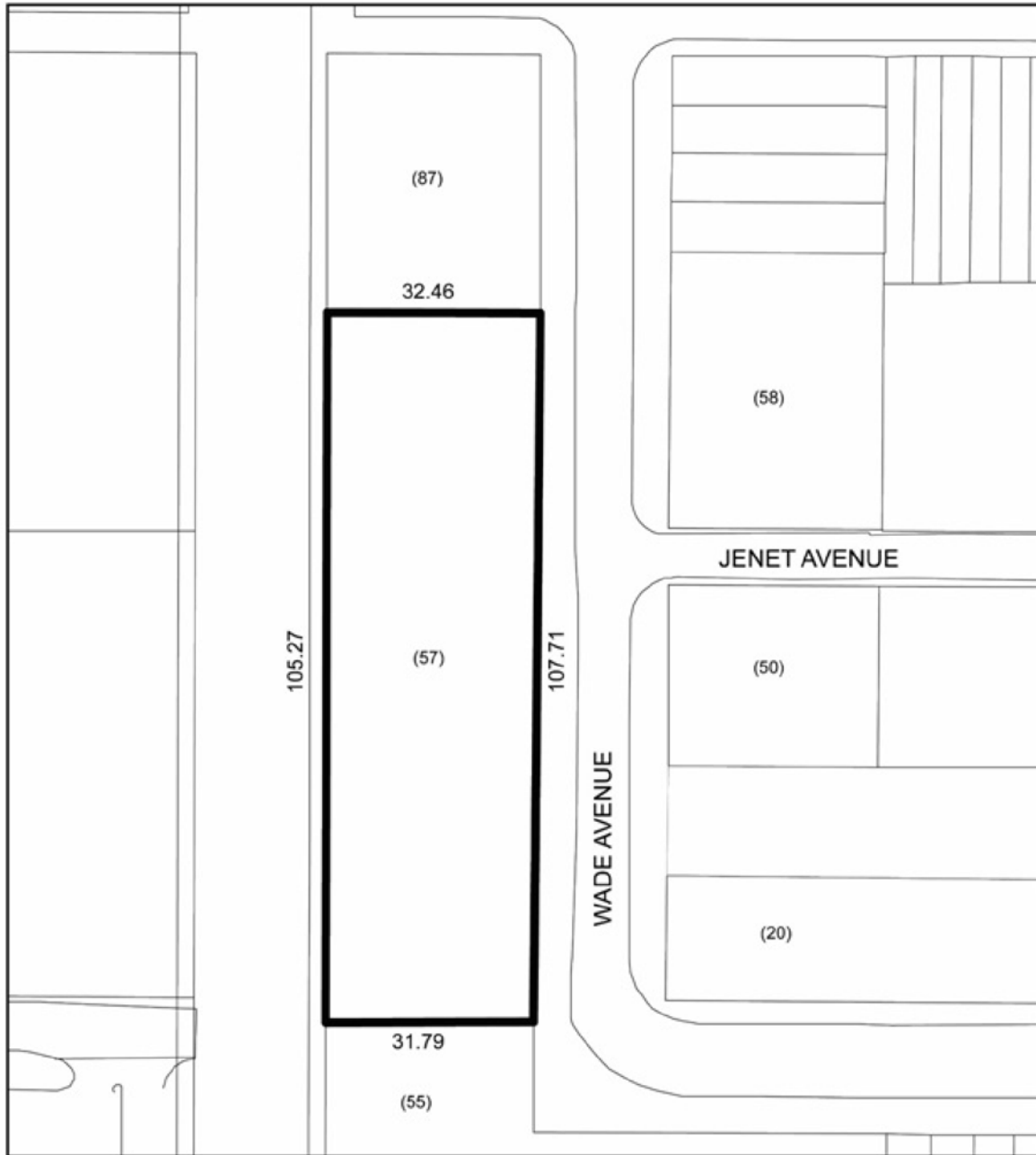
1. Prior to the issuance of the first above-grade building permit, the owner shall pay a cash contribution of \$350,000.00 to be allocated for affordable housing and parks improvements in the vicinity of the Subject Site at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.
2. The payment amount identified in section 1 above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication 327-0058, or its successor, calculated from the date of the Local Planning Appeal Tribunal decision to the date of payment.
3. The following matters are recommended to be secured in the Section 37 Agreement as a legal convenience at the owner's expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor:
 - a) The owner shall provide, at its own expense, 300 square metres of privately-owned, publicly-accessible open space located on the southern portion of the site, with the design details of this privately-owned, publicly-accessible open space to be secured through the Site Plan Approval process to the satisfaction of the Chief Planner. Prior to Site Plan Approval, the owner shall grant an easement to the City, for nominal consideration and free and clear of physical and title encumbrances, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, for the purpose of the general public's use of this privately-owned, publicly-accessible open space, on terms satisfactory to the Chief Planner and Executive Director, City Planning Division, in consultation with the City Solicitor.
 - b) The owner shall provide, at its own expense, a minimum 3.5 metre wide public walkway, to be located along the full extent of the south edge of the site, connecting Wade Avenue to the future Davenport Diamond Greenway Multi-Use Trail, with the design details of this walkway to be secured through the Site Plan Approval process to the satisfaction of the Chief Planner and Executive Director, City Planning Division. Prior to Site Plan Approval, the owner shall grant an easement to the City, for nominal

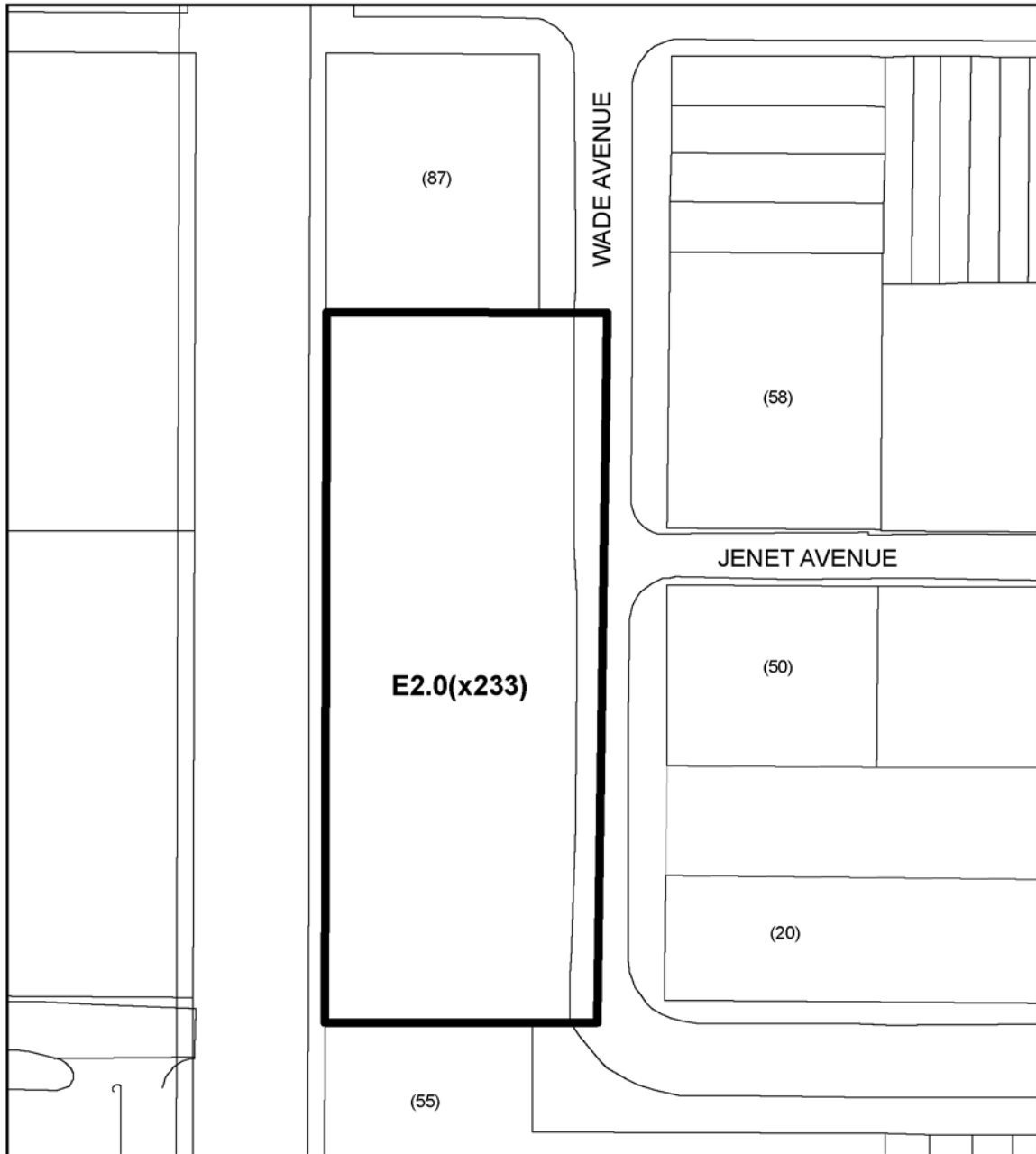
consideration and free and clear of physical and title encumbrances, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor, for the purpose of pedestrian and cycling use by the general public upon and over this walkway, on terms satisfactory to the Chief Planner and Executive Director, City Planning Division, in consultation with the General Manager, Parks, Forestry and Recreation and the City Solicitor.

- c) The owner shall design and construct the public realm improvements for the public walkway between Wade Avenue and the Davenport Diamond Greenway Multi-Use Trail in accordance with the Davenport Diamond Public Realm Plan.
- d) Prior to the issuance of Notice of Approval Conditions for the Site Plan application, the owner shall complete a peer review of the submitted Noise and Vibration Feasibility Study by the City's peer reviewer, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and provide certification from the noise and vibration consultant that all recommended mitigation measures have been incorporated into the drawings submitted for Site Plan Approval.
- e) Prior to the issuance of Notice of Approval Conditions for the Site Plan application, the owner shall incorporate all mitigation measures from a rail safety study acceptable to the City's third-party peer reviewer into the drawings submitted for the Site Plan application, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and prior to Site Plan Approval the owner shall agree in writing with the City that all mitigation measures be constructed and maintained by the owner at its sole cost and expense.
- f) Prior to issuance of Notice of Approval Conditions for the Site Plan application, the owner shall provide a Construction Phasing Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and thereafter the owner shall agree in writing with the City to implement the plan during the course of construction, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
- g) Prior to the commencement of excavation and shoring work, the owner will submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor, and thereafter shall implement the plan during the course of construction. The Construction Management Plan will include the size and location of construction staging areas, dates of significant concrete pouring, lighting details, construction vehicle parking and queuing locations, refuse storage, site security, site supervisor contact information, a communication strategy with the surrounding community, and any other matters requested by the Chief

Planner and Executive Director, City Planning, the General Manager of Transportation Services, in consultation with the Ward Councillor.

- h) Prior to Site Plan Approval, the owner shall make a cash payment into the Municipal Parking Fund in lieu of any parking shortfall below the provision of 47 parking spaces on-site.





 **TORONTO**
Diagram 2

57-77 Wade Avenue

File # 17 277975 STE 18 0Z

