

## Public Attachment E

Authority: Ontario Municipal Board Order issued September 13, 2016 in Board File No. PL130592

### CITY OF TORONTO

#### BY-LAW No. 892-2016(OMB)

#### **To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2015 as 1001 Ellesmere Road.**

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, 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/or 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; and

Whereas the Ontario Municipal Board, by its Order issued on September 13, 2016 in Board File No. PL130592, determined to amend Zoning By-law No. 569-2013, as amended, with respect to the Lands;

The Ontario Municipal Board orders as follows:

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 for the lands outlined by heavy black lines on Diagram 2, and applying the following zone labels to those lands as shown on Diagram 2 attached to this By-law:

RT (f4.2, au95, u24) (x61)  
RT (f4.2, au98, u22) (x61)  
RT (f4.5, au120, u45) (x61)  
CR (c2.0, r0) (x53)



**CERTIFIED  
TRUE  
COPY**  
John D.  
Elvidge  
City Clerk

Digitally  
Signed

4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.5.10 Exception Number (61) so that it reads:

**Exception RT (61)**

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 1001 Ellesmere Road, if all of the requirements of By-law 892-2016(OMB) are complied with, none of the provisions of clauses 10.60.20.40, 10.60.30.10, 10.60.30.20, 10.60.30.40, 10.60.40.10(1) and 10.60.40.70, and regulations 10.5.60.1(3), 10.5.60.20(5)(A), 10.5.60.40(2), 10.60.40.1(3), and 10.60.40.80(2) apply to prevent the erection or use of a **building, structure**, addition or enlargement permitted in regulations (B) to (P) below;
- (B) Despite regulation 10.60.40.10(1), the permitted maximum height for a **building** or **structure** is 14.0 metres;
- (C) The permitted maximum number of **storeys** in a **building** is 3 **storeys**;
- (D) Despite regulation 10.5.60.40(2), the permitted maximum height of a detached garage located in the **rear yard** measured from the floor of the **structure** to the underside of the eaves is 6.0 metres;
- (E) Despite the conditionally permitted uses in clause 10.60.20.20, the only permitted use with conditions is **private home daycare** (9);
- (F) Despite the permitted **building** types listed in regulation 10.60.20.40(1), only a **townhouse building** is permitted;
- (G) The minimum **front yard setback** is 3.0 metres;
- (H) The minimum **side yard setback** is 0.9 metres;
- (I) The minimum **rear yard setback** is:
  - (i) 0.5 metres for a **building** having an integral attached garage where the entrance to the **parking space** is from a **lane** having a minimum width of 6.0 metres;
  - (ii) 0.5 metres for a detached garage **building** where the entrance to the **parking space** is from a **lane** having a minimum width of 6.0 metres;
  - (iii) 25.0 metres from the rear **main wall** of a **dwelling unit** to the **lot line** abutting a Utility and Transportation Zone (UT); and
  - (iv) 12.0 metres for all other **buildings**;

- (J) Measurement of required yard and **building setbacks** on a corner **lot** is from the projections of the **front lot line** and **side lot line**, despite required corner roundings;
- (K) Despite regulation 10.60.40.1(3), the required minimum **dwelling unit** width is equivalent to the minimum required **lot frontage** indicated as "f" in zone label on the Zoning By-law map;
- (L) Despite regulation 10.60.40.80(2), the minimum separation distance between the side **main walls** of adjacent **townhouse buildings** is 1.8 metres;
- (M) The following elements of a **building** may encroach into a required **building setback** a maximum of:
- (i) 1.5 metres for a deck, porch, balcony, or similar **structure**;
  - (ii) 1.0 metres for decorative or screen wall;
  - (ii) 3.0 metres for exterior steps or ramps;
  - (iv) 0.6 metres for bay windows, box window or other projecting window;
  - (v) 0.6 metres for a roof overhang, eave or roof of dormer window, and a minimum of 0.3 metres from the lot line; and
  - (vi) 0.6 metres for a chimney, pilaster, and projecting columns;
- (N) The maximum height of a **building** is measured from the average finished elevation of the ground along the **main wall** of the **dwelling unit** facing any **street** line;
- (O) If a **parking space** within the **building** is accessed from a **lane**, a minimum of 15.0 square metres of outdoor **amenity space** must be provided on the roof of the **building** over the **parking space**; and
- (P) A **dwelling unit** may be used as a model home.

Prevailing By-laws and Prevailing Sections (None Apply)

5. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number (53) so that it reads:

**Exception CR (53)**

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 1001 Ellesmere Road, if all of the requirements of By-law 892-2016(OMB) are complied with, none of the provisions of clauses 40.10.40.10 and 40.10.50.10, and regulations 40.10.40(1), 40.10.40.70(4), 40.10.90.10(1), 40.10.90.40(3), 40.10.100.10 (1) and 200.5.10.1(1) apply to prevent the erection or use of a **building, structure**, addition or enlargement permitted in regulations (B) to (G) below;

- (B) The required minimum **gross floor area** of all **buildings** (minus the **gross floor area** of all **basements**) is 6,500 square metres;
- (C) The permitted maximum **lot coverage** is 40 percent;
- (D) The minimum required **building setback** in a **street yard** is 3.0 metres;
- (E) The minimum required **building setback** from **lot lines** that do not abut a **street** is 15.0 metres;
- (F) Despite clauses 40.10.20.10 and 40.10.20.20, the only uses permitted are Financial **Institution**, Medical Office, Office, **Personal Service Shop, Retail Store, Eating Establishment** and **Take-out Eating Establishment**; and
- (G) Despite clauses 40.10.20.10 and 40.10.20.20, Business and Trade School, Data Storage Facility, **Performing Arts Studio, Pet Services, Fitness Centre** and **Veterinary Hospital** are also permitted if they do not individually or collectively exceed 20 percent of the **gross floor area** of all **buildings** (minus the **gross floor area** of all **basements**).

Prevailing By-laws and Prevailing Sections (None Apply)

6. Section 37 Provisions:

- (A) 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 zoned **Residential Townhouse (RT)** shown on Diagram 2 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; and
- (C) 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.

Pursuant to the Order of the Ontario Municipal Board issued September 13, 2016 in Board Case No. P130592.

## 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 zoned Residential Townhouse (RT) as shown in Diagram 2 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 issuance of a building permit (other than building permit for a temporary sales office/pavilion), the owner shall provide \$226,000 to improve the Birkdale Ravine and/or local park improvements, to be provided on the following basis:
  - (a) \$59,600 prior to the issuance of the first building permit for **dwelling units** fronting Ellesmere Service Road; and
  - (b) \$166,400 prior to the issuance of the first building permits for all other **dwelling units**;

with such amounts to be indexed upwardly in accordance with the Statistics Canada [Apartment Building] Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payments are made.

2. In the event the cash contributions referred to in Section (1) have not been used for the intended purposes 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.
3. The development shall be constructed in the following phases:  
  
Phase 1 – Blocks 1, 2 and 4; and  
Phase 2 – Block 3 (the **dwelling units** fronting Ellesmere Service Road).
4. The Section 37 Agreement will set out further details of the phasing plan referred to in (3) above.



