

Authority: Scarborough Community Council Item SC23.9, adopted by City of Toronto Council on July 4, 5, 6 and 7, 2017

## CITY OF TORONTO

### Bill 499

### BY-LAW -2018

**To amend Zoning By-law 569-2013, as amended, with respect to the lands known in the year 2016 as 25 Thunder Grove.**

Whereas Council of the City of Toronto has the authority 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; 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 density permitted beyond that otherwise permitted on the aforesaid lands by By-law 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 in the heavy lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the same meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by deleting Exception 900.8.10(82) and replacing it with the following, so it reads:

"(82) Exception RAC 82

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

Site Specific Provisions:

- (A) On 25 Thunder Grove, if the requirements in Section 7 and Schedule A of By-law XXXX-2018 (Clerks to insert By-law #) are complied with then an **apartment building** may be constructed in compliance with (B) to (S) below;
- (B) Despite Regulation 15.5.40.10(1), the height of the **building** is the distance between a Canadian Geodetic Datum of 180.48 metres and the elevation of the highest point of the **building**;
- (C) Despite Clause 15.20.40.10, any **building** or **structure** erected on the lands must not exceed the height in metres and **storeys** specified by the numbers following the symbols HT and ST, as shown on Diagram 3 of By-law XXXX-2018 (Clerks to insert By-law #);
- (D) In addition to the exceptions permitted in Clause 15.5.40.10(2), parapets associated with an architectural feature on the south side of Building A on Diagram 2 of By-law XXXX-2018 (Clerk to insert By-law #) may exceed the permitted maximum height shown on Diagram 3 of By-law XXXX-2018 (Clerks to insert By-law #) by 1.7 metres;
- (E) In addition to 15.5.40.10(3) and (4), a mechanical penthouse with a maximum floor area of 200 square metres may exceed the maximum permitted height shown on Diagram 3 of By-law XXXX-2018 (Clerks to insert By-law #) by 6.0 metres;
- (F) Despite Clause 15.20.40.70, required minimum **building setbacks** are as shown on Diagram 3 of By-law XXXX-2018 (Clerks to insert By-law #);
- (G) Despite Clause 15.20.40.80, the required minimum separation distance between the **main walls** of Building A and Building B as shown on Diagram 2 of By-law XXXX-2018 (Clerks to insert By-law #) at and above a **height** of 6 **storeys** is 19.5 metres;
- (H) In addition to encroachments permitted in Clause 15.5.40.60, the following are permitted to extend beyond the areas delineated by heavy lines on Diagram 3 of By-law XXXX-2018 (Clerks to insert By-law #):
  - (i) balconies on the north, east and west **main walls** of Building A on Diagram 2 of By-law XXXX-2018 (Clerks to insert By-law #) at and above a **height** of 8 **storeys** may encroach beyond the heavy lines shown on that Diagram 3 a maximum of 0.75 metres;
  - (ii) balconies on the south **main walls** of Building A on Diagram 2 of By-law XXXX-2018 (Clerks to insert By-law #) at and above a **height** of 8 **storeys** may encroach beyond the heavy lines shown on that Diagram 3 a maximum of 1.5 metres;

- (iii) pilasters or columns flanking or supporting balconies on the south **main wall** of Building A on Diagram 2 of By-law XXXX-2018 (**Clerks to insert By-law #**) may encroach beyond the heavy lines shown on that Diagram 3 a maximum of 0.6 metres at and below a **height** of 6 **storeys**, and a maximum of 2.1 metres at and above a **height** of 7 **storeys**;
  - (iv) a trellis on the north **main wall** of Building A on Diagram 2 of By-law XXXX-2018 (**Clerks to insert By-law #**) may encroach beyond the heavy lines shown on that Diagram 3 a maximum of 11.1 metres; and
  - (v) a trellis on the westerly portion of the south **main wall** of Building A on Diagram 2 of By-law XXXX-2018 (**Clerks to insert By-law #**) may encroach beyond the heavy lines shown on that Diagram 3 a maximum of 4.9 metres;
- (I) Building A as shown on Diagram 2 of By-law XXXX-2018 (**Clerk to insert By-law #**) may not penetrate a 45 degree **angular plane**, measured at a line parallel to and at a height above the **lot line** abutting Finch Avenue East, equal to 80 percent of the width of the **street** right-of-way, except for parapets in (D) and balconies and pilasters or supporting balconies in (H)(ii) and (iii) above to a maximum height of 1.8 metres;
- (J) The number of **dwelling units** in the **buildings** on Diagram 2 of By-law XXXX-2018 (**Clerks to insert By-law #**) must not exceed:
- (i) 188 **dwelling units** in Building A, of which a minimum of 15 **dwelling units** must be 3-bedroom **dwelling units** or larger; and
  - (ii) 247 **dwelling units** in Building B, of which a minimum of 17 **dwelling units** must be 3-bedroom **dwelling units** or larger;
- (K) The total **gross floor area** of all **buildings** and **structures** must not exceed 41,725 square metres;
- (L) The gross floor area of a **day nursery** must not exceed 325 square metres;
- (M) Despite Regulation 15.20.40.50(1), **amenity space** must be provided as follows:
- (i) A minimum of 2.0 square metres of indoor **amenity space** for each **dwelling unit** in Building A on Diagram 2 of By-law XXXX-2017 (**Clerks to insert By-law #**);
  - (ii) For Building B on that Diagram 2: a minimum of 46 square metres of indoor **amenity space** for the first 50 **dwelling units**, plus 0.9 square metres of indoor **amenity space** for each **dwelling unit** in excess of the first 50 **dwelling units**; and
  - (iii) A minimum of 2.2 square metres of outdoor **amenity space** for each **dwelling unit**;

- (N) Despite Regulation 15.5.50.10(1), a minimum area of 55 percent of the **lot** must be used for **landscaping**;
- (O) Despite Clause 15.20.30.40, the maximum **lot coverage** is 23 percent;
- (P) Despite the parking requirements in Table 200.5.10.1, **parking spaces** must be provided as follows:
  - (i) a minimum of 275 **parking spaces** for residents;
  - (ii) a minimum of 70 **parking spaces** for visitors; and
  - (iii) a maximum of 34 surface **parking spaces** located only in the north yard as shown on Diagram 3 of By-law XXXX-2018 (Clerks to insert By-law #);
- (Q) Despite (F) above, the required minimum **building setback** for parking **structures** that are fully below ground is: 3.0 metres from each **lot line** that abuts a **street** and 0 metres from any other **lot line**;
- (R) Despite Regulation 230.5.10.1(2) and (5), a minimum of 0.75 **bicycle parking spaces per dwelling unit** in Building A as shown on Diagram 2 of By-law XXXX-2018 (Clerks to insert By-law #), allocated as 0.68 "long-term" **bicycle parking space per dwelling unit** and 0.07 "short-term" **bicycle parking space per dwelling unit**; and
- (S) Nothing in this By-law will prevent the use of a building or structure which existed on the lands on or prior to May 1, 2016 (including an **apartment building** and a **day nursery**).

Prevailing by-law and prevailing sections: (None Apply)

#### 4. 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; and
- (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 April , 2018.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

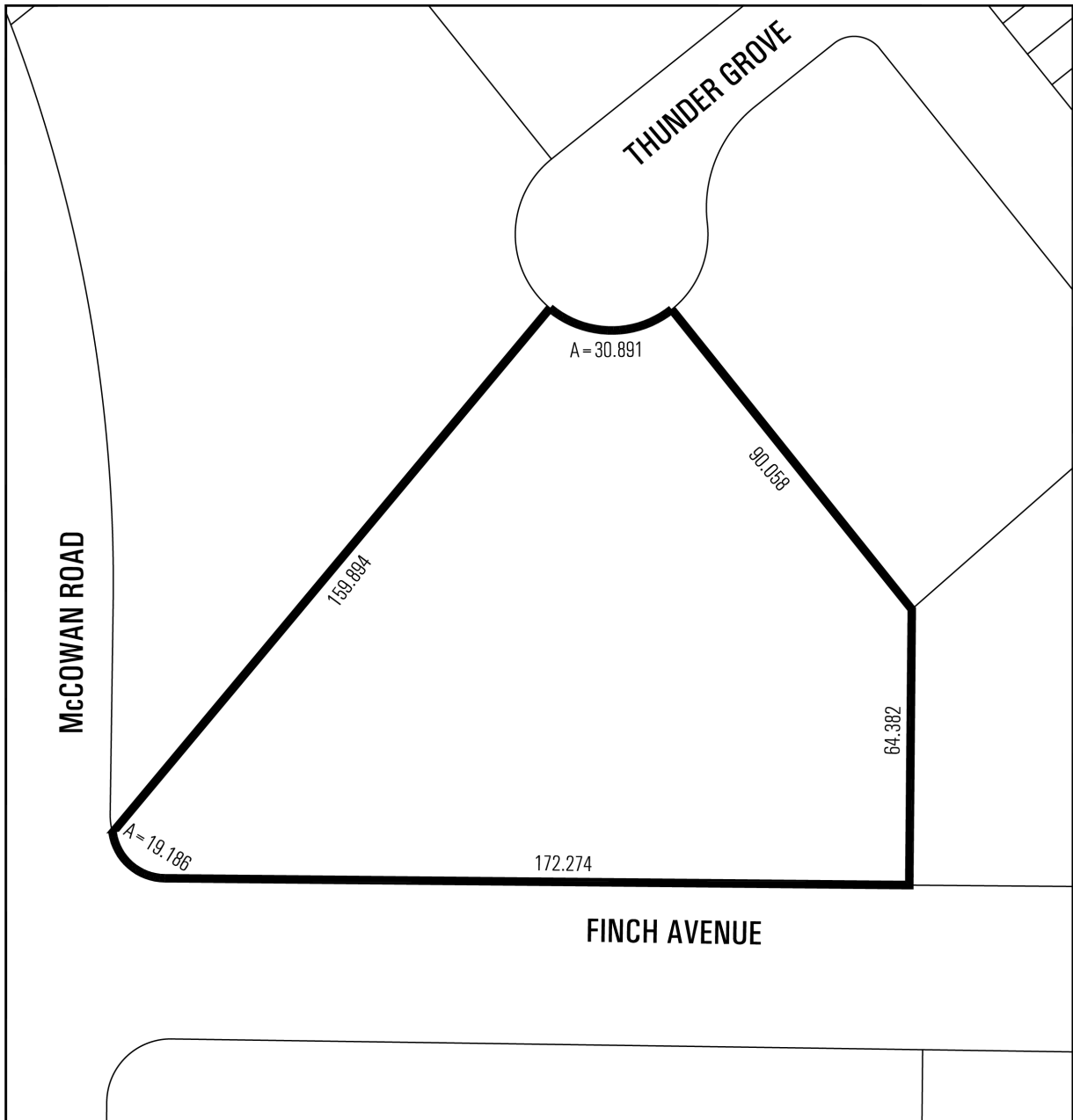
**SCHEDULE A**

- (A) Pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, and subject to compliance with the provisions of this By-law, the increase in height and density of development on the lands is permitted in return for the provision by the Owner of the following facilities, services and matters to the City at the Owner's expense all to the satisfaction of the Chief Planner and Executive Director, City Planning Division:
- (1) The Owner shall enter into an Agreement pursuant to Section 37 of the *Planning Act*, to be registered on title and to the satisfaction of the City Solicitor, to secure the following to support development:
- (i) the Owner shall provide and maintain the 247 existing residential rental units at 25 Thunder Grove as rental housing for the period of at least 20 years, from the date of the Zoning By-Law coming into full force and effect and with no applications for demolition or conversion from residential rental use made during such 20 year period, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor;
  - (ii) prior to occupancy of Building A, the Owner shall secure the following facilities, amenities, building improvements and site improvements for the existing rental residential rental units, with no pass-through of costs to the existing tenants, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor:
    - (a) Expand the existing ground floor multi-purpose party room for the use and enjoyment of all residents of the rental buildings at 25 Thunder Grove by removing the partition between the existing ground floor party room and the adjacent office, as well as provide furnishings and finishes appropriate to its use, prior to occupancy of the new building at 25 Thunder Grove;
    - (b) Maintain and inform tenants of the existing sauna at 25 Thunder Grove that was in operation at the time of application, prior to occupancy of the new building at 25 Thunder Grove;
    - (c) Re-open, retrofit and maintain the existing sauna at 25 Thunder Grove that was closed at the time of application, prior to occupancy of the new building at 25 Thunder Grove;
    - (d) Upgrade and re-install the existing outdoor playground at 25 Thunder Grove that is to be relocated due to

- construction, prior to occupancy of the new building at 25 Thunder Grove;
- (e) Add pedestrian connections to Thunder Grove and Finch Avenue East, improve pedestrian connections north of the surface parking lot and repair and add new light standards, as described in the Housing Issues Report – Addendum 2 prepared by Tim Welch Consulting Inc, dated May 9, 2017, prior to occupancy of the new building at 25 Thunder Grove;
  - (f) Add a minimum of 6 new visitor bicycle spaces/racks to the bicycle storage area adjacent to the main entrance of Building B and a minimum of 11 new visitor bicycle spaces/racks to the bicycle storage area adjacent to the outdoor amenity area, prior to the occupancy of the new building at 25 Thunder Grove; and
  - (g) The owner shall provide and maintain a resident plaza and patio adjacent to the north entrance of Building B with furnishings provided by the Owner, a ground floor patio adjacent to the indoor amenity area with furnishings/equipment provided by the Owner and a community garden with direct access to Building B, as described in the Housing Issues Report – Addendum 2 prepared by Tim Welch Consulting Inc, dated May 9, 2017, prior to occupancy of the new building at 25 Thunder Grove;
- (iii) the Owner shall make available all indoor and outdoor amenity spaces as illustrated in the March 10, 2017 Floor Plans for the new building at 25 Thunder Grove to tenants of both buildings at 25 Thunder Grove on the same terms and conditions as other residents of the lands, without the need to pre-book or pay a fee, unless specifically required as customary practices for private bookings, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
  - (iv) prior to the issuance of the Notice of Approval Conditions, the Owner shall provide a Construction Mitigation Strategy to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and thereafter the Owner shall implement such strategy; and
  - (v) prior to the issuance of the Notice of Approval Conditions, the Owner shall provide a Tenant Communication Plan to the satisfaction of the Chief Planner and Executive Director, City

Planning Division, and thereafter the Owner shall implement such strategy.

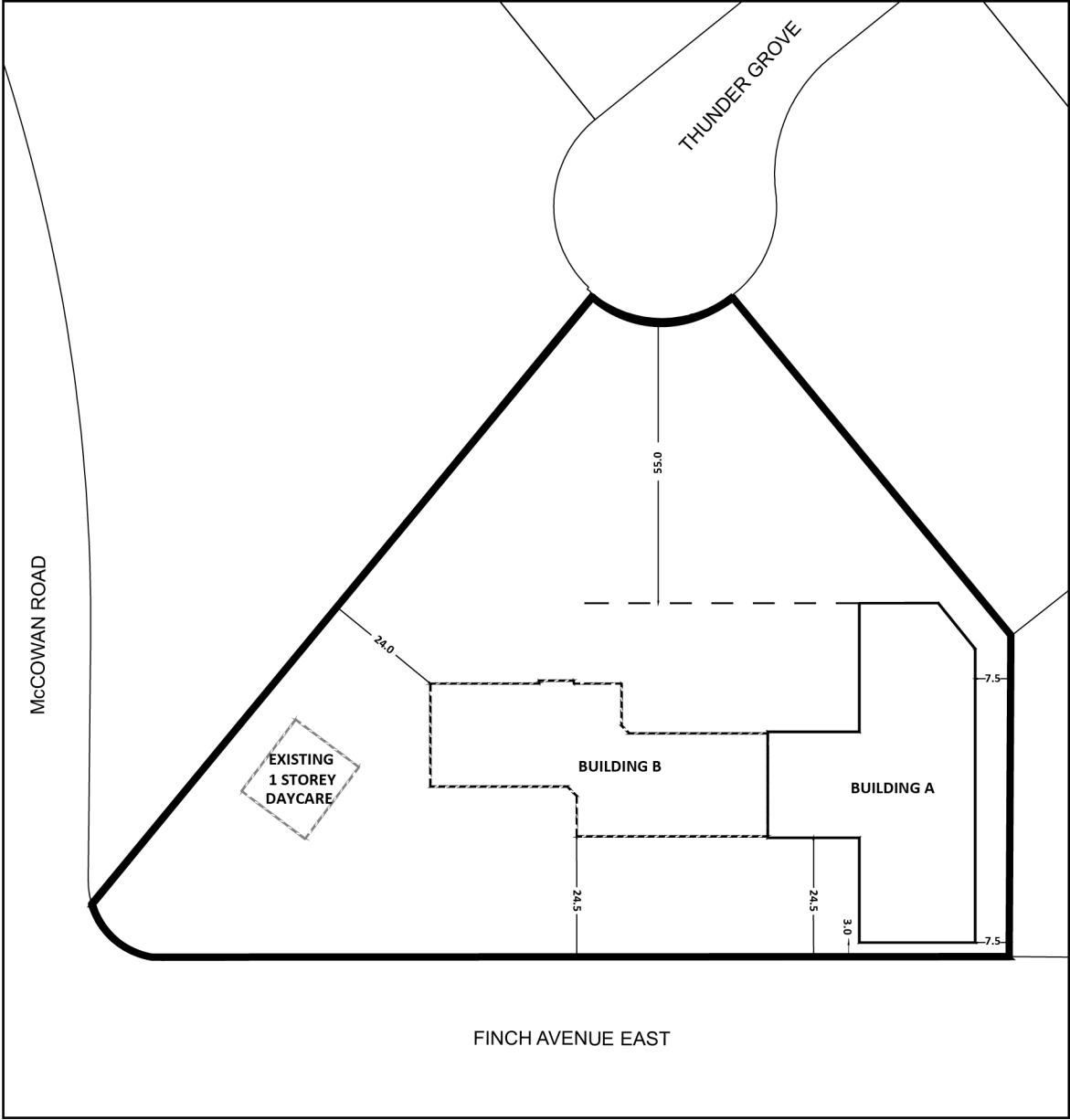




 **TORONTO**  
Diagram 1

**25 Thunder Grove**

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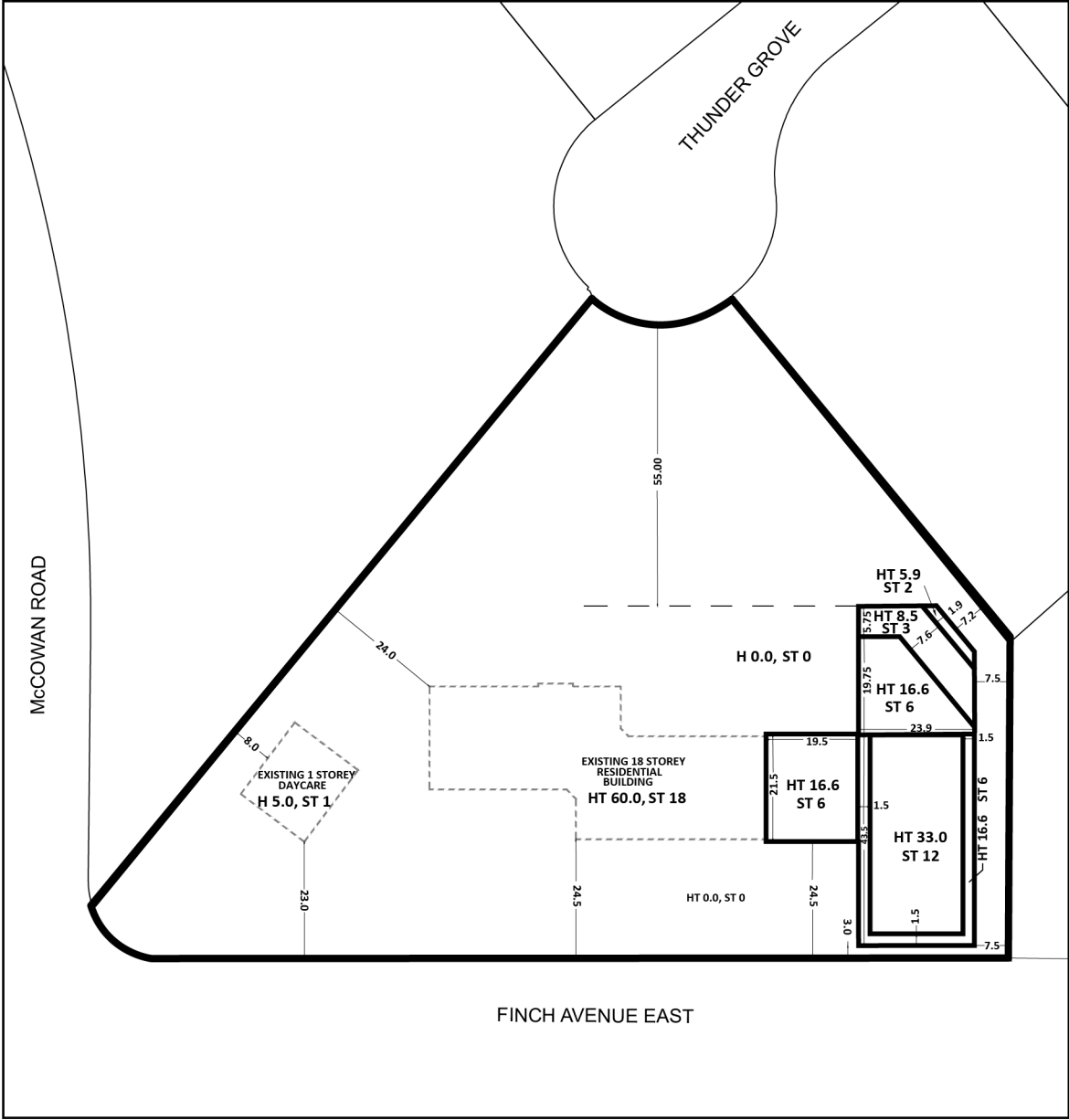


 **TORONTO**  
Diagram 2

25 Thunder Grove

File # 16 179683 ESC 41 OZ

  
City of Toronto By-Law 569-2013  
Not to Scale  
05/19/2017



 **TORONTO**  
Diagram 3

25 Thunder Grove

File # 16 179683 ESC 41 0Z

  
City of Toronto By-Law 569-2013  
Not to Scale  
05/23/2017