

Authority: North York Community Council Item NY18.37, as adopted by City of Toronto Council on December 13, 14 and 15, 2016 and MM31.54, by Councillor Jon Burnside, seconded by Councillor Justin J. Di Ciano, as adopted by City Council on July 4, 5, 6 and 7, 2017

CITY OF TORONTO

BY-LAW 845-2017

To amend Zoning By-law 1916, as amended, for the former Town of Leaside, with respect to lands municipally known in the year 2016 as a portion of 3 Southvale Drive, 5 Southvale Drive and a portion of 1073 Millwood Road.

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 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*, may 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 1916, 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 those lands outlined by a heavy black line and identified on Map "1" attached to and forming part of this by-law.
2. Schedule "A" to former Town of Leaside Zoning By-law 1916, as amended, is further amended by changing the zoning category for the lands shown on Map 1 of this By-law from "Open Space (Parks) O Zone" to "High Density Residential R3B.1 Zone".
3. Former Town of Leaside Zoning By-law 1916, as amended, is hereby further amended by adding a new Section 6.8.5 "RESIDENTIAL R3B THIRD DENSITY ZONE – SITE SPECIFIC ZONE" immediately following Section 6.8.4 and by adding a new subsection 6.8.5.1 as follows:

"6.8.5.1 A portion of 3 Southvale Drive, 5 Southvale Drive and portion of 1073 Millwood Road R3B.1 Zone

6.8.5.1.1 Area Restricted

The provisions of this section 6.8.5.1 shall only apply to the lands zoned R3B.1 as shown on Map 1 attached to and forming part of By-law 845-2017.

6.8.5.1.2 General Provisions

Notwithstanding Sections 5.7, 5.17, 5.18, 5.19, 6.8.3 and 6.9 of this By-law, on those lands referred to in Section 6.8.5.1.1 of this By-law, no person shall use, occupy, erect, alter, cause to be used, occupied, erected or altered, any Building or Structure or land, or part thereof, except in accordance with the following provisions:

(1) Definitions

- (a) For the purpose of this exception the following definitions will apply:
- (i) "Amenity Space" shall mean an indoor or outdoor space that is shared and available for use by the occupants of the Building for recreational or social activities;
 - (ii) "Bicycle Parking" shall mean an area below established grade or at the first floor that is equipped with bicycle racks or lockers for the purpose of parking and securing bicycles, but is not intended for general storage use;
 - (iii) "Bicycle Parking Space" means an area used for parking or storing a bicycle, either in a horizontal and/or vertical position and having a minimum length of 1.9 metres and minimum width of 0.4 metres;
 - (iv) "Established Grade" shall mean 135.50 metres above sea level;
 - (v) "Landscape Open Space" shall mean an area used for trees, plants, decorative stone work, retaining walls, walkways or other landscape or architectural elements;
 - (vi) >Loading Space" shall mean an area used for loading or unloading of goods or commodities from a vehicle;

- (vii) "Lot" shall mean those lands zoned R3B.1 as shown on Map 1 attached to and forming part of By-law 845-2017;
- (viii) "Lot Area" shall mean the horizontal area within all the Lot lines of a Lot;
- (ix) "Map 1" shall mean Map 1 attached to and forming part of By-law 845-2017;
- (x) "Map 2" shall mean Map 2 attached to and forming part of By-law 845-2017;
- (xi) "Temporary Sales Office" shall mean a Building or a portion of a Building, or sales trailer, used exclusively for the initial sale and/or initial leasing of Dwelling Units to be erected on the lands.

(2) Permitted Uses

- (a) in addition to the uses permitted in an R3B zone a Temporary Sales Office is also permitted.

(3) Use Qualifications

- (a) No regulations shall apply to a Temporary Sales Office.

(4) Prohibition

- (a) Outdoor Amenity Space is not permitted on any rooftop.

(5) Development Standards

- (a) the maximum Gross Floor Area of all Buildings and Structures shall not exceed 5,948 square metres;
- (b) the maximum Floor Space Index shall not exceed 2.9;
- (c) the maximum Coverage shall not exceed 60 percent;
- (d) the Building location and setbacks shall be as follows:
 - (i) the minimum Yard setbacks for a Building or Structure above Established Grade shall be as shown on Map 2;
 - (ii) the minimum Yard setback for parking Structures and Structures associated thereto below Established Grade shall be 0.0 metres from any Lot line; and

- (iii) permitted projections into a minimum Yard setback include:
 - (A) cornices, lighting fixtures, awnings, ornamental or architectural elements, parapets, trellises, eaves, window sills, guardrails, sills, eaves, balustrades, railings, wheel chair ramps, stairs, stair enclosures, vents, underground garage ramps and their associated Structures, fences, retaining walls, air shafts, transformer vaults, utilities, screens, landscape and public art features and canopies, and any elements required for the functional operation of the Building; and
 - (B) balconies and terraces, which may extend to a maximum horizontal projection from an exterior Building wall of 3.0 metres beyond the heavy lines shown on Map 2;
- (e) the maximum permitted Building Height of any portion of a Building or Structure is the numerical value in metres following the letter "H" and, where indicated, the numerical number of Storeys following the letters "ST" within the areas delineated on Map 2;
- (f) notwithstanding (e) above of this Section, parapets, guard rails, railings and dividers, trellises, eaves, screens, stairs, roof drainage, window washing equipment, mechanical and electrical services, lightning rods, architectural features, landscaping and elements of a green roof, which are no higher than the sum of 2.0 metres above the maximum Building Heights shall be permitted, except within the area delineated as H0.0 metres on Map 2;
- (g) notwithstanding (e) above of this Section, heating, cooling or ventilating equipment and elements or Structures on the roof of the Building used for outside or open air circulation which are no higher than the sum of 1.5 metres above the maximum Building Height shall be permitted within the area delineated as the mechanical penthouse on Map 2;
- (h) notwithstanding (e) above of this Section, utilities, which are no higher than the sum of 2.0 metres shall be permitted within the H0.0 metre area delineated on Map 2;
- (i) notwithstanding Section 2.84 of this By-law, the area delineated as a mechanical penthouse on Map 2 shall not be considered a Storey;

- (j) parking shall be provided in accordance with the following minimum requirements:
 - (i) 0.8 Parking Spaces per studio Dwelling Unit;
 - (ii) 0.9 Parking Spaces per 1 bedroom Dwelling Unit;
 - (iii) 1.0 Parking Space per Dwelling Unit with 2 bedrooms or more; and
 - (iv) 0.2 Parking Spaces per Dwelling Unit for visitors;
 - (k) Bicycle Parking shall be provided for 39 Dwelling Units as follows:
 - (i) a minimum of 32 Bicycle Parking Spaces shall be provided and maintained on the Lot for the use of residents; and
 - (ii) a minimum of 8 Bicycle Parking Spaces shall be provided and maintained on the Lot for the use of visitors;
 - (l) Loading shall be provided as follows:
 - (i) a minimum of one (1) Type 'C' Loading Space shall be provided; and
 - (ii) a Type 'C' Loading Space means a loading space that is a minimum of 3.5 metres wide, a minimum of 6.0 metres long and has a minimum vertical clearance of 3.0 metres;
 - (m) Amenity Space shall be provided as follows:
 - (i) a minimum of 2 square metres per residential unit of indoor Amenity Space shall be provided; and
 - (ii) a minimum of 2 square metres per residential unit of outdoor Amenity Space shall be provided; and
 - (n) a minimum of 24 percent of the Lot must be provided as Landscape Open Space.
- (6) Section 37 Agreement
- (a) Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in density of development on the Lot is permitted in return for the owner's election to provide, at the owner's expense, the

following facilities, services and matters which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form satisfactory to the City Solicitor and registered on title;

- (i) prior to the issuance of an above-grade building permit the owner shall make a financial contribution to the City in the amount of \$300,000 to be allocated as follows at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor:
 - (A) \$250,000 towards the construction of a splash pad in Trace Manes Park at 110 Rumsey Road; and
 - (B) \$50,000 towards streetscape improvements within the Leaside Business Improvement Area in the general vicinity of Bayview Avenue between Davisville Avenue and Soudan Avenues;
- (ii) the financial contributions referred to in (a)(i) above of this Section shall be indexed in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto calculated from the date of execution of the Section 37 Agreement to the date of payment is made;
- (iii) in the event the financial contributions referred to in (a)(i) above of this Section have not been used for the intended purpose within three (3) years of By-law 845-2017 coming into full force and effect, the financial contribution may be redirected for another purpose at the sole discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands referred to in Section 6.8.5.1;
- (iv) in support the development:
 - (A) prior to the issuance of any building permit, including a shoring and excavation permit, the owner shall have acquired all lands proposed to form part of the development as referred to in Section 6.8.5.1 of this By-law and shown on Map 1 to the satisfaction of the Chief Corporate Officer and City Solicitor;

- (B) prior to the issuance of the first above-grade building permit the owner shall make a payment of \$20,000 to the City to be used at the discretion of the General Manager, Transportation for road and infrastructure improvements at the Southvale Drive and Millwood Road intersection;
 - (C) the owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Committee; and
 - (D) prior to issuance of site plan notice of approval conditions, the owner shall:
 - i. submit a revised Functional Servicing Report and Geotechnical / Hydrogeological Report to the satisfaction of the Executive Director, Engineering and Construction Services; and
 - ii. have made arrangements to the satisfaction of the Executive Director, Engineering and Construction Services, for the construction of any improvement to the municipal infrastructure, should it be determined that upgrades are required to support the development, based on the reports accepted by the Executive Director, Engineering and Construction Services;
- (b) Where Section 6.8.5.1(6) 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 permitted pursuant to this By-law unless all provisions of Section 6.8.5.1(6) above are satisfied.

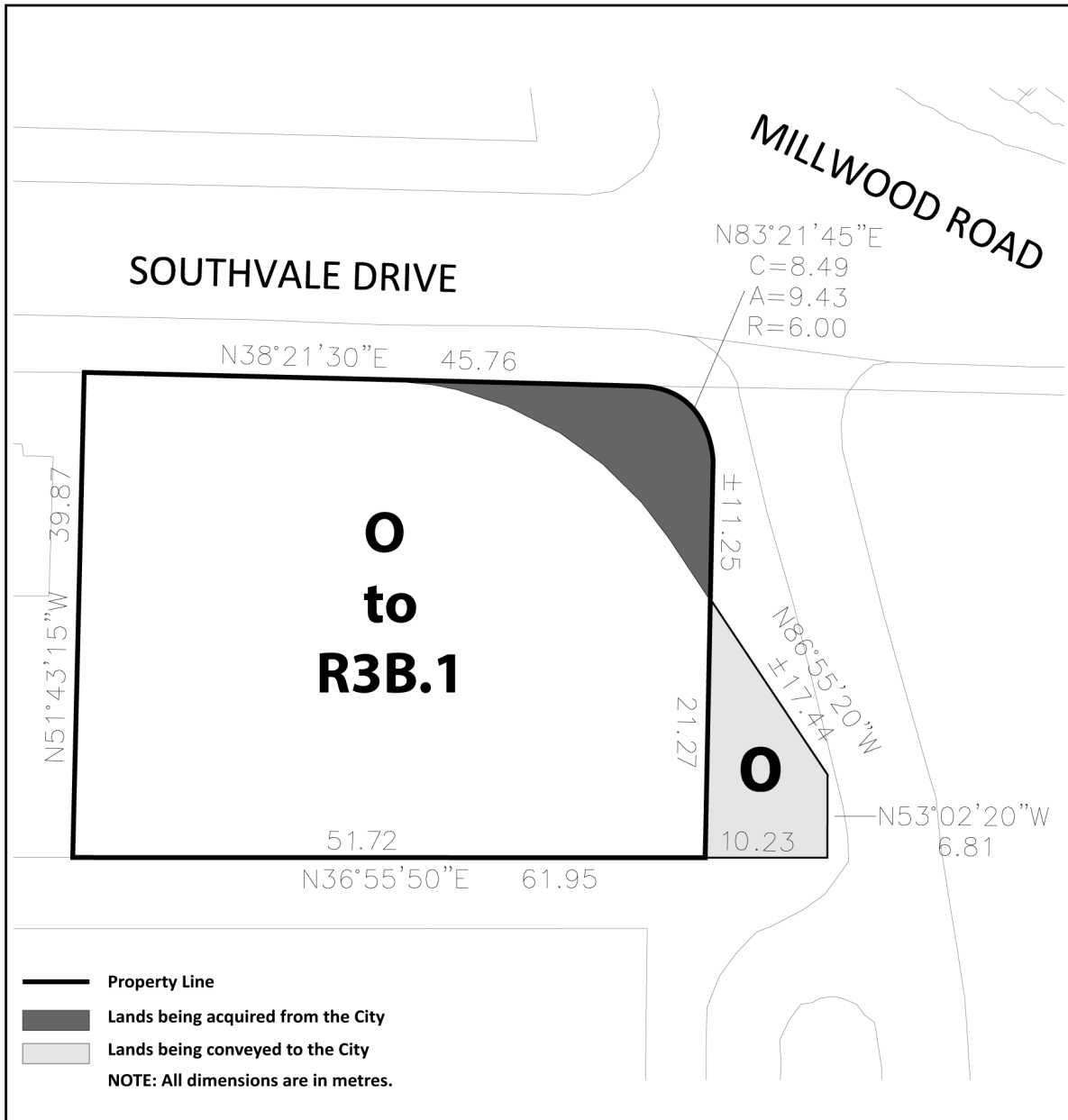
- (7) Other Provisions of the By-law
- (a) Notwithstanding anything else contained in this By-law, the provisions of Section 6.8.5.1.1 and 6.8.5.1.2 shall continue to apply collectively to all of the lands referred to in 6.8.5.1, notwithstanding any future division of the lands into two or more parcels of land;
 - (b) Except as amended in this By-law, all the other provisions of By-law 1916, as amended, shall apply to the lands referred to in Section 6.8.5.1; and
 - (c) Within the lands referred to in Section 6.8.5.1, 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:
 - (i) 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
 - (ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational."

Enacted and passed on July 7, 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



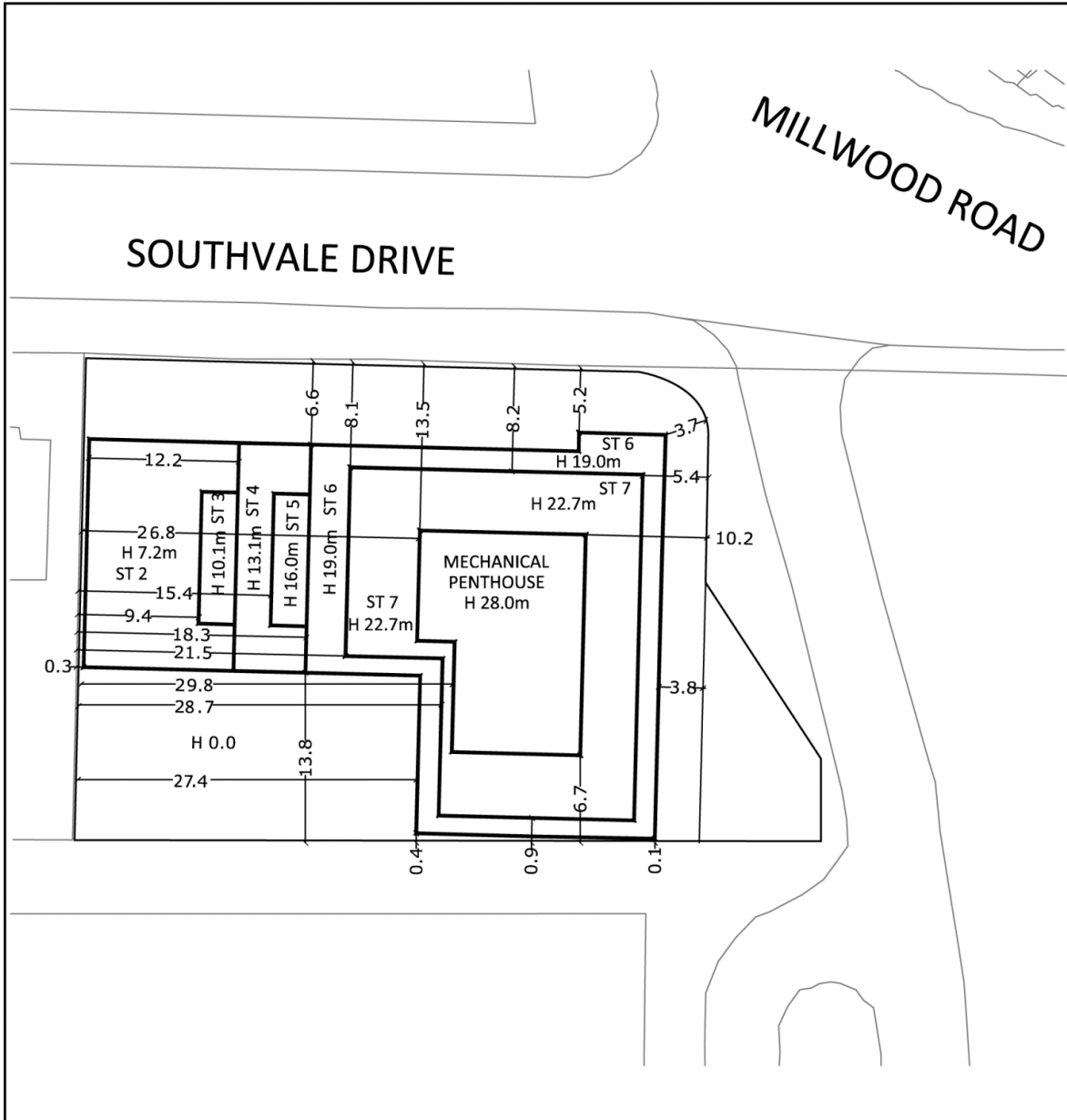
3 & 5 Southvale Drive

Map 1

File # 15 150340 NNY 26 0Z



Former Leaside Zoning By-Law 1916
Not to Scale
06/30/2017



Map 2

3 & 5 Southvale Drive

File # 15 150340 NNY 26 02



Former Leaside Zoning By-Law 1916
Not to Scale
06/30/2017