

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

CITY OF TORONTO

BY-LAW 497-2018

To amend former City of Scarborough Agincourt North Community Zoning By-law 12797, as amended, with respect to the lands known as 25 Thunder Grove.

Whereas authority is given to Council by 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, R.S.O 1990, c. P.13, as amended, the council of a Municipality, and the Ontario Municipal Board on appeal, may, in a By-law passed under Section 34 of the Planning Act, authorize increases in the height or density of development beyond that otherwise permitted by the By-law, 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 lands elects to provide facilities, services or matters in return for an increase in height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with such facilities, services or matters; and

Whereas the owner has elected to provide the facilities, services and matters as are hereinafter set forth; and

Whereas the increase in the height and density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by By-law 12797 of the Agincourt North Community is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner and the City of Toronto (hereinafter referred to as the "City");

The Council of the City of Toronto enacts:

- Schedule "A"** of the Agincourt North Community Zoning By-law 12797 is amended by deleting the current zoning and replacing it with the following Schedule 1 so that the amended zoning shall read as follows:

A – 177-178-179-202-203-204-205-206-207-208-209-210-220-221-222-223-230-231-232-233-234

- Schedule "B", PERFORMANCE STANDARDS CHART**, is amended by adding the following Performance Standards:

INTENSITY OF USE

202. Gross floor area, lot coverage, building height and number of dwelling units shall be provided as follows:

- a) **Gross Floor Area** means the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor level.

The gross floor area shall not include the area in the building used for:

- i) parking, loading and bicycle parking below **established grade**;
 - ii) required loading spaces and required **bicycle parking spaces** at or above established grade;
 - iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - iv) shower and change facilities required by this By-law for required **bicycle parking spaces**;
 - v) indoor **amenity space** required by this By-law;
 - vi) elevator shafts;
 - vii) garbage shafts;
 - viii) mechanical penthouse; and
 - ix) exit stairwells in the building.
- b) The **gross floor area** of buildings and structures on the lot shall not exceed 41,725 square metres comprised of the following:
- i) residential uses shall not exceed 41,400 square metres; and
 - ii) a **day nursery** shall not exceed 325 square metres.

203. The maximum lot **coverage** is 23 percent.

204. **Height** shall be measured from **Established Grade**.

205. **Established Grade** shall be 180.48 Canadian Geodetic Datum.

206. The **height** of any building or structure does not exceed the **height** in metres specified by the numbers following the symbol H on Schedule 3 of By-law 497-2018.

207. The permitted maximum number of **storeys** is the numerical value following the letters "ST" on Schedule 3 of By-law 497-2018.
208. The following building elements and structures are permitted to extend above the **heights** shown on Schedule 3 of By-law 497-2018:
- a) Mechanical penthouse which shall not exceed a floor area of 200 square metres – a maximum of 6.0 metres;
 - b) Parapets and weather vanes – a maximum of 1.5 metres;
 - c) Parapets associated with an architectural feature on the south side of Building A on Schedule 2 of By-law 497-2018 – a maximum of 1.7 metres;
 - c) Antennae, flagpoles and satellite dishes – a maximum of 5.0 metres;
 - d) Equipment used for the functional operation of the building, such as electrical, utility, mechanical and ventilation equipment; structures or parts of the building used for the functional operation of the building, such as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, vents, and water supply facilities; and structures that enclose, screen or cover the elements listed above – a maximum of 5.0 metres; and
 - e) Unenclosed structures providing safety or wind protection to rooftop amenity space – a maximum of 3.0 metres.
209. **Angular Plane** shall mean an imaginary flat surface projecting over a lot, at an inclined angle measured up from the horizontal.
210. The permitted number of **dwelling units** on the lot shall be:
- a) A maximum of 188 **dwelling units** in Building A on Schedule 2 of By-law 497-2018 of which, a minimum of 15 **dwelling units** shall be 3-bedroom **dwelling units** or larger; and
 - b) A maximum of 247 **dwelling units** in Building B on Schedule 2 of By-law 497-2018 of which, a minimum of 17 **dwelling units** shall be 3-bedroom **dwelling units** or larger.

MINIMUM BUILDING SETBACKS

220. The **setbacks** and stepbacks from the lot line(s) to the **main wall(s)** of any building(s) and additional stepbacks from the **main wall(s)** of any building(s) to the **main wall(s)** of any building(s) shall be the minimum distance in metres specified by the numbers on Schedule 3 of By-law 497-2018.

221. Building A on Schedule 2 of By-law 497-2018 shall not penetrate a 45 degrees **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.

Notwithstanding the above, parapets associated with an architectural feature on the south side of Building A on Schedule 2 of By-law 497-2018 may penetrate the angular plane, subject to the requirements of Performance Standard. Furthermore, balconies and pilasters or columns flanking or supporting balconies to a maximum height of 1.8 metres on the south **main wall** of Building A on Schedule 2 of By-law 497-2018 may penetrate the angular plane, subject to the requirements of Performance Standard 223.

222. The minimum separation distance between the **main walls** of Building A and Building B on Schedule 2 of By-law 497-2018 at and above a **height** of 7 **storeys** is 19.5 metres.
223. The following building elements and structures are permitted to extend beyond the heavy lines and building envelopes on Schedule 3 of By-law 497-2018 as follows:
- a) Balconies on the north, east and west **main walls** of Building A on Schedule 2 of By-law 497-2018 at and above a **height** of 19.1 metres or 8 **storeys** – a maximum of 0.75 metres;
 - b) Balconies on the south **main wall** of Building A on Schedule 2 of By-law 497-2018 at and above a **height** of 8 **storeys** – a maximum of 1.5 metres;
 - c) Pilasters or columns flanking or supporting balconies on the south **main wall** of Building A on Schedule 2 By-law 497-2018 as follows:
 - i) at and below a **height** of 6 **storeys** – a maximum of 0.6 metres; and
 - ii) at and above a **height** of 7 **storeys** – a maximum of 2.1 metres;
 - d) Canopy, awning or similar structure, with or without structural support – the lesser of 9.5 metres or 50 percent of the required minimum building **setback** for the yard in which it is located, if it is covering a driveway, walkway or outdoor amenity space adjacent to an entrance to the building; and in the front yard or rear yard, it may be no closer to a side lot line than the required side yard setback;
 - e) A trellis on the north **main wall** of Building A on Schedule 2 of By-law 497-2018 – a maximum of 11.1 metres;

- f) A trellis on the westerly portion of the south **main wall** of Building A on Diagram 2 of By-law 497-2018 - a maximum of 4.9 metres;
- g) Roof over a platform which complies with the requirements of a) or b) above – same as a) or b) above; and
- h) Exterior stairs, uncovered ramp, or elevating device providing access to a building or structure – no closer to a lot line than 0.6 metres.

MISCELLANEOUS

230. **Amenity Space**

Means indoor or outdoor space on a lot that is:

- a) ancillary to the main use; and
- b) communal and available for use by the occupants of a building on the lot, or the general public, or both, for recreational or social activities.

231. **Amenity space** must be provided on the lot in accordance with the following:

- a) A minimum of 2.0 square metres of indoor **amenity space** per **dwelling unit** in Building A on Schedule 2 of By-law 497-2018;
- b) For Building B on Schedule 2 of By-law 497-2018: 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** per **dwelling unit** in excess of the first 50 **dwelling units**; and
- c) A minimum of 2.2 square metres of outdoor **amenity space** per **dwelling unit**.

232. Minimum of 55 percent of the lot area to be used for no other purpose than landscaping.

Landscaping for this purpose of this performance standard shall mean: open unobstructed space on the site which is suitable for landscaping, including any part of the site occupied by outdoor amenity area, recreational accessory buildings, any surfaced walk, patio or similar area, any sport or recreational area, any ornamental or swimming pool but excluding any driveway or ramp, whether surfaced or not, any curb, retaining wall, or motor vehicle parking area.

233. The provisions of this By-law shall apply collectively to this land notwithstanding its future division.

234. No person shall use any land or erect any building or structure unless the following public 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.

PARKING

177. **Parking spaces** must be provided on the lot in accordance with the following:
- a) A minimum of 275 **parking spaces** for residents;
 - b) A minimum of 70 **parking spaces** for visitors; and
 - c) A maximum of 34 surface **parking spaces** located only in the north yard on Schedule 3 of By-law 497-2018.
178. **Bicycle Parking Space** shall mean an area used for parking or storing a bicycle.
179. **Bicycle parking spaces** must be provided on the lot in accordance with the following:
- a) A minimum of 0.75 **bicycle parking spaces** for each **dwelling unit** in Building A on Schedule 2 of By-law 497-2018, allocated as 0.68 "long-term" **bicycle parking space** per **dwelling unit** and 0.07 "short-term" **bicycle parking space** per **dwelling unit**;
 - b) "long-term" **bicycle parking space** shall mean **bicycle parking spaces** for use by the occupants or tenants of a building, and "short-term" **bicycle parking space** shall mean **bicycle parking spaces** for use by visitors to a building;
 - c) where the bicycles are to be parked in a horizontal position, the **bicycle parking space** shall have horizontal dimensions of at least 0.6 metres by 1.8 metres per bicycle and a vertical dimension of at least 1.9 metres;
 - d) where the bicycles are to be parked in a vertical position, the **bicycle parking space** shall have horizontal dimensions of at least 0.6 metres by 1.2 metres per bicycle and a vertical dimension of at least 1.9 metres; and
 - e) "long term" **bicycle parking spaces** shall be located in a secured room or area.

3. SCHEDULE 'C', EXCEPTION MAP and EXCEPTION LIST is amended by adding Exception Number 35 to the lands shown on Schedule 4 as follows:

35. On those lands identified as Exception 35 on Schedule 4, the following provisions apply:

1. Pursuant to Section 37 of the Planning Act, as amended, and subject to compliance with 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:

a) 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;
 - g. The 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 the existing building, 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;

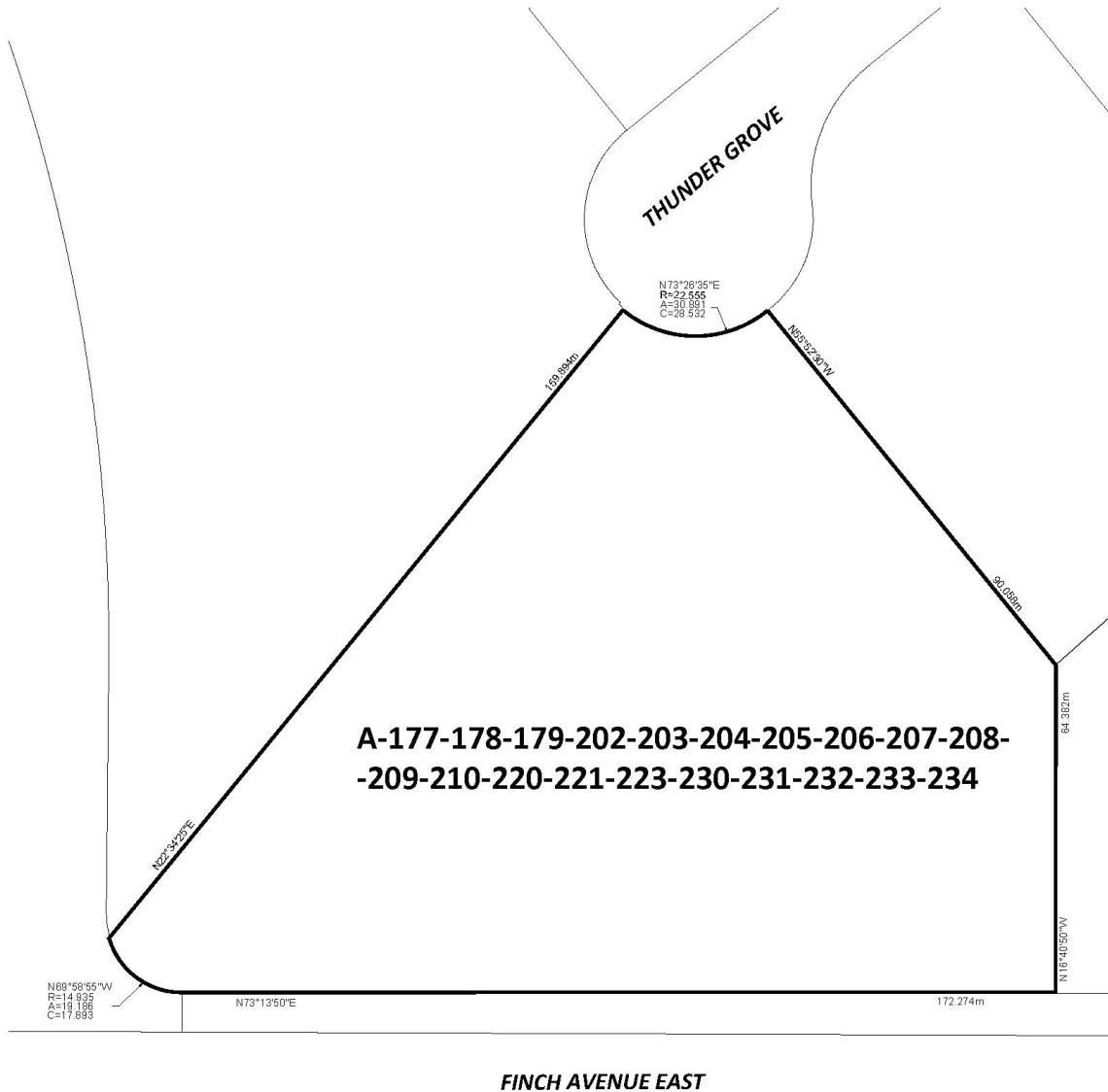
- iv. Prior to the issuance of the Notice of Approval Conditions, the Owner shall provide a Construction Mitigation Strategy to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and thereafter the Owner shall implement such as strategy; and
- v. Prior to the issuance 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.

Enacted and passed on April 27, 2018.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



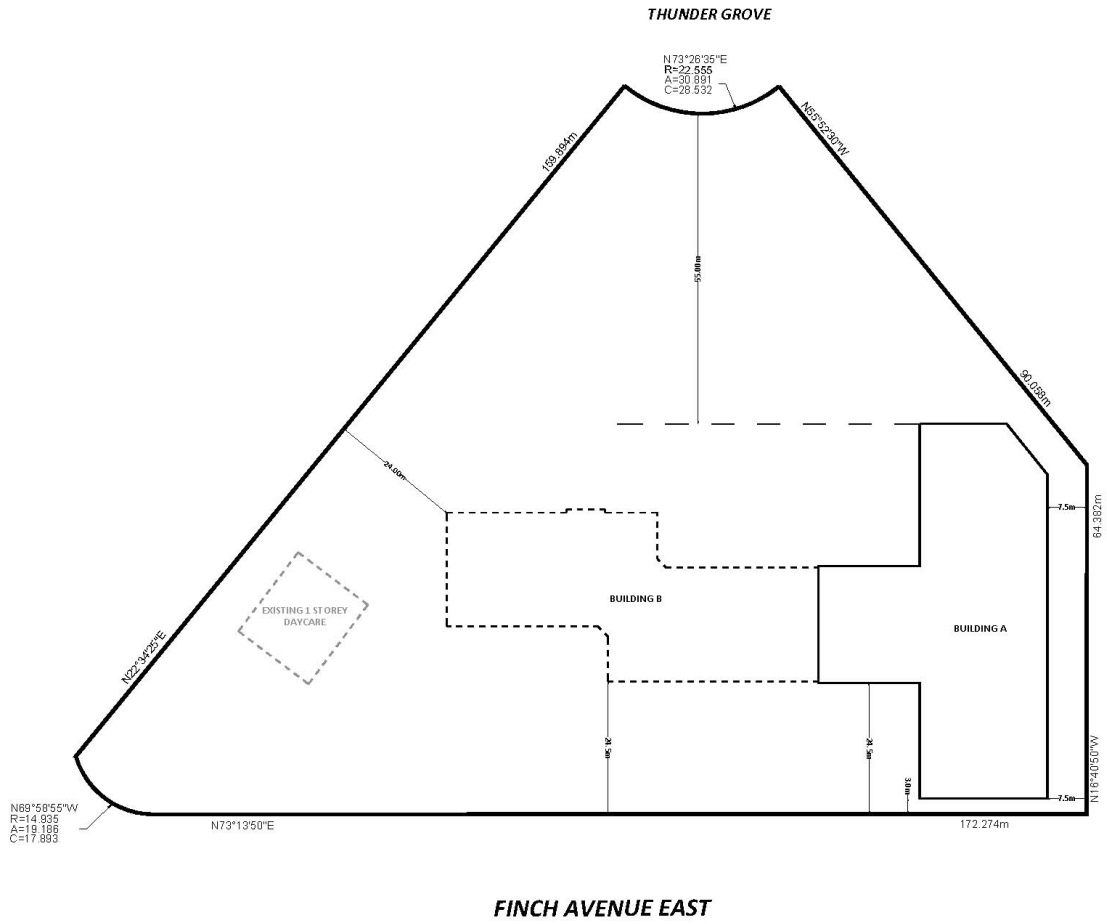
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SCHEDULE 1
Zoning By-law Amendment

25 Thunder Grove
City of Toronto

Area affected by this by-law





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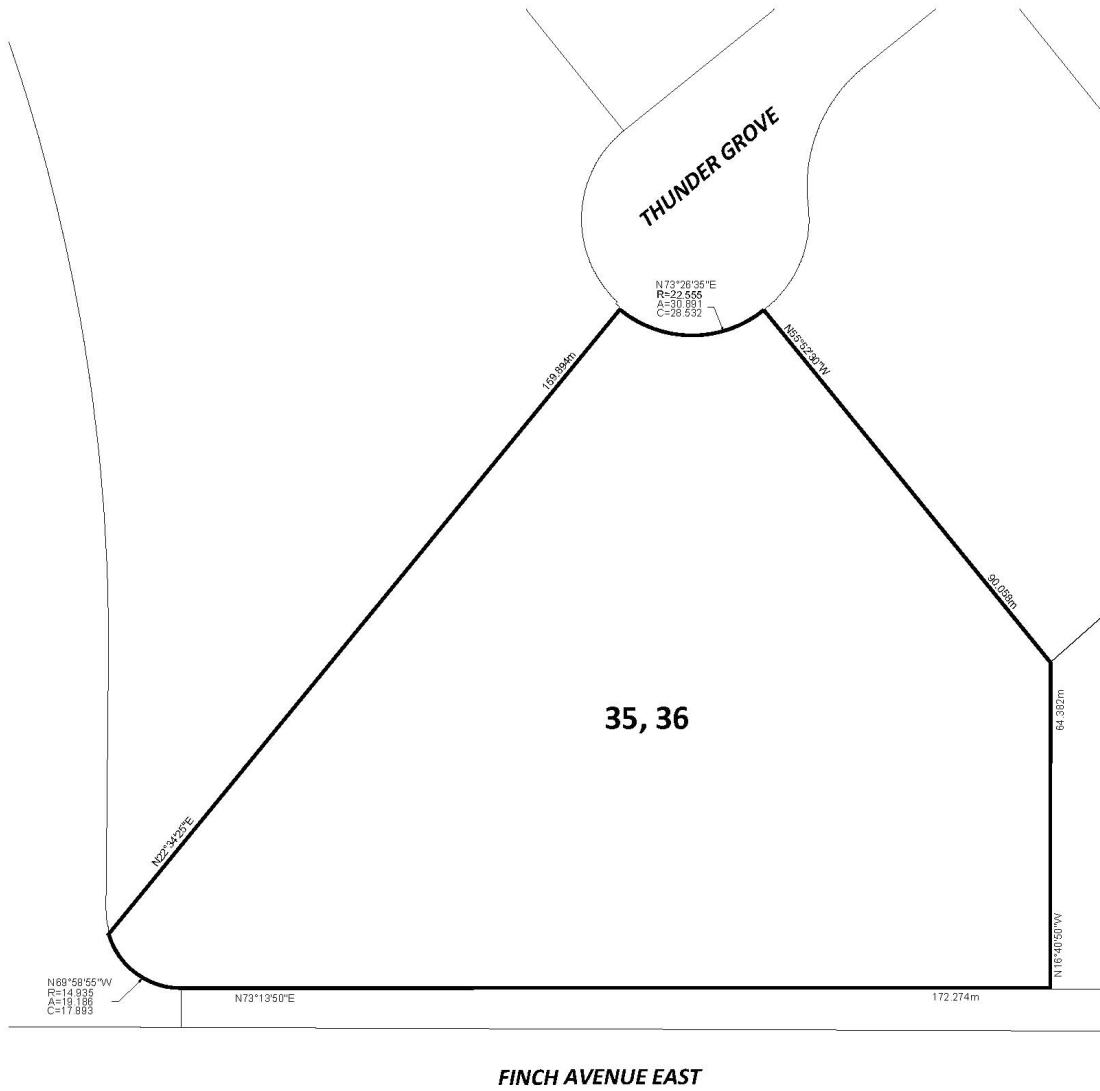
SCHEDULE 2

Zoning By-law Amendment

25 Thunder Grove
City of Toronto

Area affected by this by-law





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SCHEDULE 4
Zoning By-law Amendment

Area affected by this by-law



25 Thunder Grove
City of Toronto