

Authority: North York Community Council Item 5.27,
as adopted by City of Toronto Council on April 12 and 13, 2011
Enacted by Council: April 13, 2011

CITY OF TORONTO

BY-LAW No. 510-2011

To amend the City of Toronto Zoning By-law No. 1156-2010, as amended, with respect to the lands municipally known as 17, 19, 21 and 23 Clairtrell Road and 391 Spring Garden Avenue.

WHEREAS the Council of the City of Toronto has been requested to amend its zoning by-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, with respect to lands known municipally as 17, 19, 21 and 23 Clairtrell Road and 391 Spring Garden Avenue; and

WHEREAS the Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting under Section 34 of the *Planning Act*; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height and density of development beyond those otherwise permitted by the by-law 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 or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the aforesaid lands has elected to provide the facilities, services and matters, as set out in this By-law; and

WHEREAS the increases in the height and density permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 1156-2010 of the City of Toronto, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (the "City"); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The lands subject to this By-law are outlined by the heavy line on Diagram 1 attached.

2. By-law No. 1156-2010, as amended, is hereby amended for all the lands outlined by the heavy line on Diagram 1 as follows:
- (1) the Zoning By-law Map is amended so that the zone label is shown as RA (f50.0;a4000)(x757);
 - (2) the Lot Coverage Overlay Map shows all the lands marked as "35";
 - (3) the Height Overlay Map shows all the lands marked as "HT 24";
 - (4) the Rooming House Overlay Map shows none of the lands as being "Not Part of This By-law" and none of these lands are subject to the regulations of Section 150.25 Rooming House;
 - (5) the Conservation Overlay Map shows none of the lands as being "Not Part of This By-law" and none of these lands are subject to the regulations of Section 600.30 Conservation Overlay; and
 - (6) the Policy Overlap Map shows none of the lands as being "Not Part of This By-law" and none of these lands are Policy Area 1, 2, 3, or 4;
3. By-law No. 1156-2010, as amended, is further amended by adding **Exception RA 757** to Article 900.7.10 so that it reads:

"Exception RA 757 - 17, 19, 21 and 23 Clairtrell Road and 391 Spring Garden Avenue

- (A) None of the provisions of,
- 5.10.40.10(4) Height of Buildings and Structures – Exemptions for Functional Operation of a Building,
 - 5.10.40.10(5) Height of Buildings and Structures – Limits on Exempted Elements for Functional Operation of a Building,
 - 5.10.40.60(1) Permitted Encroachments,
 - 5.10.40.70(2) Parts of a Building to which a Required Yard Setback Applies,
 - 5.10.50.10(3) Landscaping Requirement When Abutting a Lot in a Residential Zone Category,
 - 5.10.80.20(1) Parking Space Setback from a Lot Line,
 - 5.10.90.10 (1)(C) Loading Space Location,
 - 15.5.30.40 (2) Parts of Platforms that are Not Permitted Encroachments,

15.5.30.40(3) Ancillary Buildings and Structures,
15.5.40.10(1) Determining the Height of a Principal Building,
15.5.40.60 Permitted Encroachments,
15.5.50.10 Landscaping,
15.10.20.10 Principal Use,
15.10.20.20 Principal Use – Conditional,
15.10.20.30 Ancillary Use,
15.10.30.10(1)(A) and (B) Minimum Lot Area,
15.10.30.20 Frontage,
15.10.30.40 Coverage,
15.10.40.10 Height,
15.10.40.40 Floor Area,
15.10.40.50 Amenity Space,
15.10.40.70 Setbacks,
15.10.40.80 Separation,
15.10.80.1(3) Bachelor Unit Size for Parking Space Calculation,
15.10.100.1(1) (B) Driveway Width,
200.5.10.1 (1) Parking Space Rates,
220.5 Regulations applying to Loading Spaces,
230.5 General Regulations applying to All Bicycle Parking Spaces,
230.20.1.10 Rates,
230.20.1.20 (3), Location Relative to Building Entrance, and
800.50(310) the definition of "Gross Floor Area",

shall apply to prevent the erection and use of **dwelling units** in an **apartment building** on the **lot** if there is compliance with the following:

- (i) the **lot** consists of at least the lands delineated by dashed lines on Diagram 1 of By-law No. 510-2011;
- (ii) a **dwelling unit** in an **apartment building** and those uses **ancillary** to it are the only uses permitted on the **lot**;
- (iii) the height of the **building** is measured from a geodetic elevation of 181.4 metres;
- (iv) a minimum 1,300 square metres of the **lot area** must be used for **landscaping**;
- (v) the minimum required **building setbacks** are those distances shown on Diagram 2 of By-law No. 510-2011, and apply to any portion of a **building** or **structure** above the geodetic elevation of 181.4 metres;
- (vi) the following elements of a **building** or **structure** may encroach into the **building setbacks** shown on Diagram 2 of By-law No. 510-2011 as follows:
 - (a) an architectural roof overhang feature may encroach a maximum of 2.0 metres;
 - (b) a balcony may encroach a maximum of 2.0 metres;
 - (c) a canopy may encroach a maximum of 2.3 metres;
 - (d) exterior stairways; and
 - (e) belt courses, chimney breasts, cornices, eaves or gutters, pilasters and sills may encroach a maximum of 0.5 metres;
- (vii) architectural roof overhang features, balconies and canopies shall not extend more than 2.3 metres horizontally from a **main wall**;
- (viii) **building setbacks** shown on Diagram 2 of By-law No. 510-2011 do not apply to **ancillary structures** such as vents, air shafts, transformer vaults and stairwells which may project above grade;
- (ix) 9,513 square metres is the maximum gross floor area permitted, and up to an additional 3,139 square metres of gross floor area is permitted subject to subsection (xviii) of this exception and the owner providing the facilities, services and matters as set out in Section 4 of By-law No. 510-2011;

- (x) the maximum **lot coverage** is 65%;
- (xi) the maximum number of **dwelling units** on the **lot** is 140;
- (xii) a minimum of 1.5 square metres per **dwelling unit** of indoor **amenity space** must be provided for the use of all occupants within the **building**;
- (xiii) the maximum **building** height of any portion of the **building** or **structure** must not exceed the height in metres or **storeys**, whichever is lesser, as shown for that portion of the **building** or **structure** on Diagram 2 of By-law No. 510-2011 subject to the following:
 - (a) enclosures for rooftop mechanical and elevator equipment may exceed the maximum **building** height shown on Diagram 2 of By-law No. 510-2011 by a maximum of 5.4 metres if such enclosures are located within the areas shown as "Mechanical Penthouse";
 - (b) stair enclosures providing access to the roof of the **building** may exceed the maximum **building** height shown on Diagram 2 of By-law No. 510-2011 by a maximum of 4.2 metres;
 - (c) roof top trellises and outdoor recreational and landscape features may exceed the maximum **building** height shown on Diagram 2 of By-law No. 510-2011 by a maximum of 3.5 metres; and
 - (d) skylights and parapets may exceed the maximum **building** height shown on Diagram 2 of By-law No. 510-2011 by a maximum of 0.5 metres;
- (xiv) the maximum number of **storeys** is 7, which excludes the "Mechanical Penthouse" as a **storey**;
- (xv) **parking spaces** must be provided in accordance with the following:
 - (a) a minimum of 100 **parking spaces**, of which 15% of the **parking spaces** must be for the use of visitors; and
 - (b) a maximum of 196 **parking spaces**, of which 15% of the **parking spaces** must be for the use of visitors;
- (xvi) a minimum of 100 **bicycle parking spaces** must be provided, of which a minimum of 10 **bicycle parking spaces** must be in a bicycle room located on the ground floor;
- (xvii) one **loading space** having minimum dimensions of 3.6 metres x 11.0 metres and a minimum vertical clearance of 4.2 metres must be provided; and

- (xviii) pursuant to Section 37 of the *Planning Act*, and subject to compliance with the provisions of this By-law, the height and density of the development is permitted to increase beyond that otherwise permitted on the **lot** by this By-law and in return the owner shall, at its sole expense, provide the City with the facilities, services and matters set out in Section 4 of By-law No. 510-2011 and enter into an agreement with the City respecting such facilities, services and matters. The agreement shall be registered on title to the **lot** as a first charge at the owner's sole expense, and such agreement and registration shall be to the satisfaction of the City Solicitor.
- (B) Despite any severance, partition or division of the **lot**, the regulations of this Exception shall continue to apply to the whole of the lands as if no severance, partition or division had occurred.
- (C) For the purpose of this Exception, the following definition shall apply:
 - (i) "gross floor area" means the total area of all of the floors of a **building** or **structure** measured from the outside of the exterior walls, including indoor residential **amenity space** and locker areas, but excluding:
 - (a) any floor area used for motor **vehicle parking spaces**, including **ancillary** areas, ramps, and **driveways**;
 - (b) any floor area used for mechanical equipment or elevators;
 - (c) any floor area used for stair enclosures providing access to the roof of the **building** or **structure**;
 - (d) any floor area of unenclosed terraces or balconies; and
 - (e) any floor area used for **bicycle parking spaces**."
- 4. (1) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with the provisions of this By-law, the increase in height and density of development on the **lot** as set out in subsection (2) below is permitted in return for the provision by the owner of the following facilities, services and matters to the City at the owner's sole expense:
 - (i) prior to issuance of a building permit, the owner must submit by cash or certified cheque a monetary contribution equal to the market value, as determined by the Director of Real Estate, corresponding to a maximum of 2,884 square metres of additional gross floor area, and that contribution will be used at the discretion of the City towards the cost of constructing and equipping a public community centre and/or social facility as identified in Section 4.3.3. of the Sheppard East Subway Corridor Secondary Plan; and

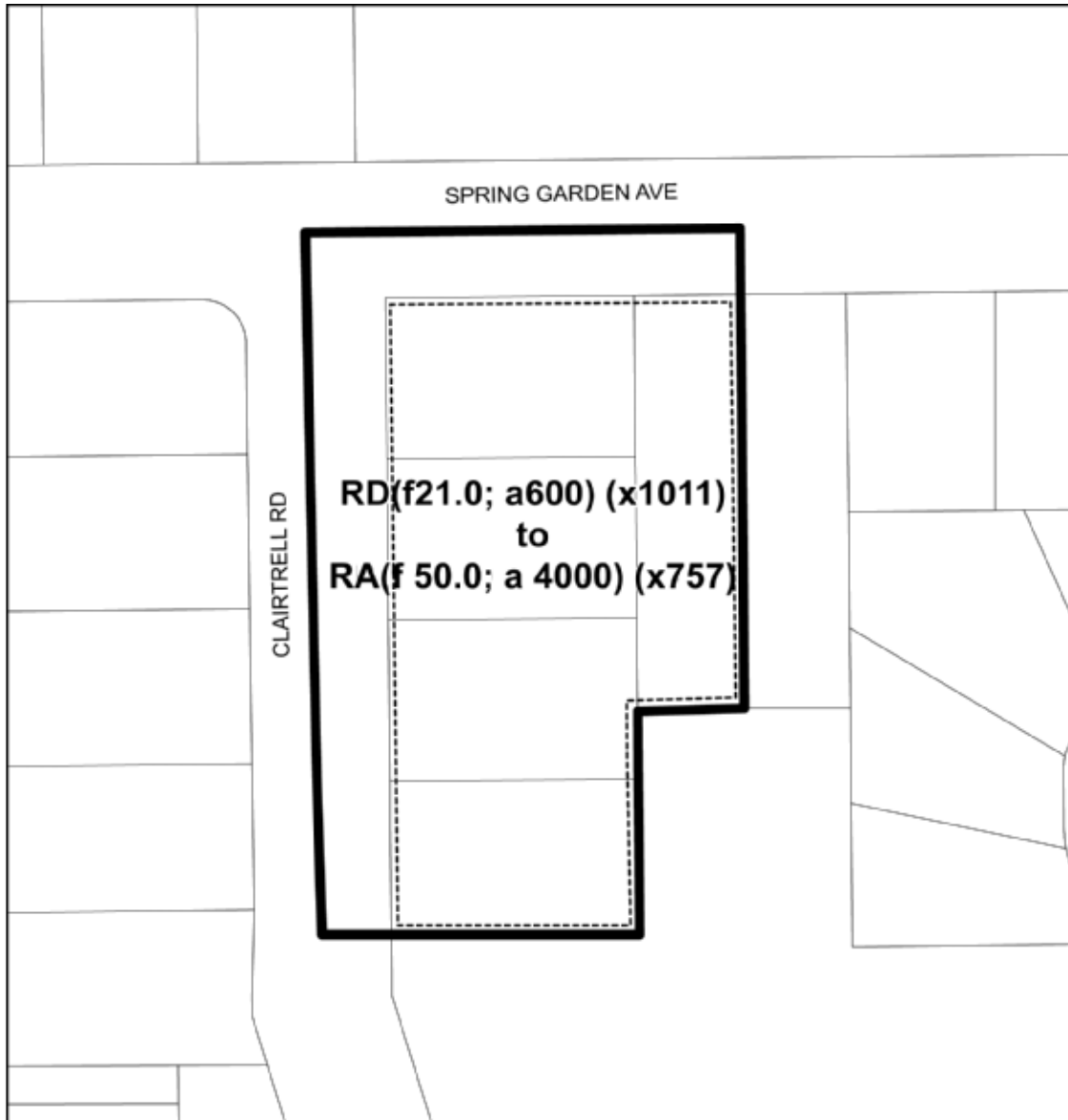
- (ii) the owner must enter into one or more agreements with the City, pursuant to Section 37 of the *Planning Act* which are registered on title to the lands to secure:
 - (a) the matters provided for in subsection 4(1)(i) above;
 - (b) the provision and maintenance by the Owner of a corresponding amount of indoor amenity space of not less than 1.5 square metres per dwelling unit and up to a maximum of 255 square metres.
 - (2) Notwithstanding the maximum gross floor area of 9,513 square metres permitted in subsection A(ix) to Exception RA 757 as set out in Section 3 of this By-law, additional gross floor area up to a maximum of 3,139 square metres may be permitted on the **lot** as follows:
 - (i) up to a maximum of 2,884 square metres attributable to the corresponding monetary contribution specified in subsection 4(1)(i) above; and
 - (ii) up to a maximum of 255 square metres attributable to the provision and maintenance of a corresponding amount of indoor amenity space specified in subsection 4(1)(ii)(b) above.
5. Terms and phrases that are bolded in this By-law shall, unless otherwise defined herein, be defined in accordance with the definitions in the Zoning By-law for the City of Toronto, being By-law No. 1156-2010, as amended.

ENACTED AND PASSED this 13th day of April, A.D. 2011.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



TORONTO City Planning
Diagram 1

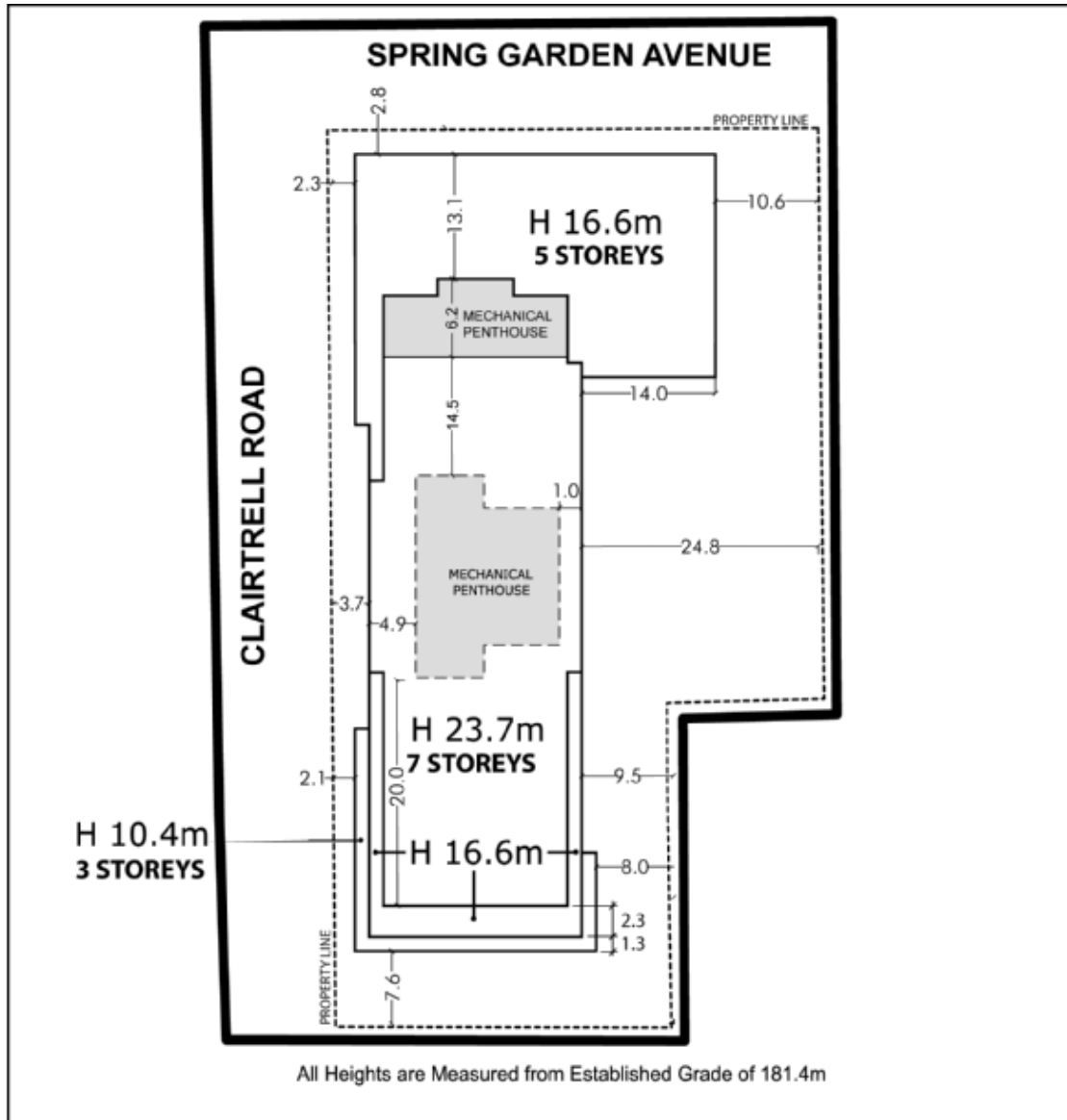
17-23 Clairtrel Road & 391 Spring Garden Avenue

File # 07 288764 NNY 23 0Z

Approved by: R.G.

City of Toronto By-Law 1156-2010
Not to Scale
01/06/2011





Toronto City Planning
Diagram 2

17-23 Clairtrell Road & 391 Spring Garden Avenue

File # 07 288764 NNY 23 02

From Applicant's Drawings

Approved by: R.G.



City of Toronto By-Law 1156-2010
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