

Authority: North York Community Council Item 7.29,
as adopted by City of Toronto Council on June 14 and 15, 2011
Enacted by Council: July 14, 2011

CITY OF TORONTO

BY-LAW No. 966-2011

To amend the former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 393, 395, 397, 399, 401 and 403 Spring Garden Avenue.

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 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. 7625 of the former City of North York, 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. Schedules "B" and "C" of By-law No. 7625 of the former City of North York are amended in accordance with Schedule 1 attached to this By-law.

2. Section 64.20-A, of By-law No. 7625 of the former City of North York, as amended, is further amended by adding the following subsection:

64.20-A(202) RM6(202)

DEFINITIONS

- (a) For the purposes of this exception, the following definitions will apply:
- (i) "Apartment House Dwelling" shall mean a building containing more than four (4) dwelling units, each unit having access either from an internal corridor system or direct access at grade, or any combination thereof.
 - (ii) "Established Grade" shall mean a geodetic elevation of 181.0 metres.
 - (iii) "Gross Floor Area" shall mean the total area of all of the floors of a building above or below established grade 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, 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. the floor area of unenclosed terraces or balconies; and
 - E. any floor area used for bicycle parking.
 - (iv) "Lot" shall mean the lands outlined by heavy black lines and zoned RM6(202) on Schedule 1 attached to this By-law.

PERMITTED USES

- (b) The only uses permitted on the lot are:
- (i) an apartment house dwelling and accessory uses; and
 - (ii) a publicly accessible walkway.

EXCEPTION REGULATIONS

Landscaping and Lot Coverage

- (c) A minimum 2,125 square metres of at grade landscaping shall be provided on the lot. Landscaping may include plantings, paths, patios, walkways and existing natural treed areas, but shall not include driveways, ramps, lanes, or parking areas or any space within or on the roof of the building.
- (d) The provisions of Section 15.8 (Landscaping) and Section 20-A.2.2 (Lot Coverage) shall not apply.

Yard Setbacks and Separation Distances

- (e) The minimum front, side, and rear yard setbacks for buildings and structures shall be as shown on Schedule RM6(202).
- (f) Despite subsection (e) of this exception and in addition to the projections permitted by Section 6(9) (Permitted Projection into Minimum Yard Setbacks), canopies, porches, steps, railings, chimneys and architectural elements shall be permitted to project into the required setbacks shown on Schedule RM6(202) as follows:
 - (i) into the required front yard setback by a maximum of 1.5 metres; and
 - (ii) into the required side and rear yards setbacks by a maximum of 2.0 metres.
- (g) The provisions of Section 20-A.2.4 (Yard Setbacks) and Schedule RM6 (202) shall not apply to parking structures and structures associated thereto at or below the adjacent ground level.
- (h) The provisions of Section 15.6 (Minimum Distance of Apartment House Dwellings from R and RM2 Zones) and Section 20-A.2.4.1 (Distance between Buildings and/or Portions of Buildings Forming Courts) shall not apply.

Gross Floor Area and Maximum Dwelling Units

- (i) Except as provided for in subsections (t) and (u) of this exception, the maximum gross floor area shall be 13,088 square metres.
- (j) The maximum number of dwelling units shall be 175.

Recreational Amenity Area

- (k) A minimum of 1.5 square metres per dwelling unit of indoor recreational amenity area shall be provided for the use of all occupants of the building on the lot.

Building Height

- (l) Notwithstanding Section 20-A.2.6 (Building Height):
 - (i) the maximum building height of any portion of the building or structure shall not exceed the height in metres above established grade shown for that portion of the building or structure on Schedule RM6(202);
 - (ii) enclosures for rooftop mechanical and elevator equipment may exceed the maximum building height shown on Schedule RM6(202) by a maximum 5.0 metres provided such enclosures are located within the areas shown as 'Mechanical Penthouse' on Schedule RM6(202);
 - (iii) roof top trellises and outdoor recreational and landscape features may exceed the maximum building height shown on Schedule RM6(202); and
 - (iv) A maximum of 7 storeys plus Mechanical Penthouse is permitted above Established Grade.
- (m) Except as provided herein, Section 2(10) shall continue to apply.

Motor Vehicle Parking

- (n) Motor Vehicle parking for residential uses within the lot shall be provided in accordance with the following:
 - (i) a minimum of 130 parking spaces, of which 0.1 parking spaces per dwelling unit shall be for the use of visitors; and
 - (ii) a maximum of 195 parking spaces, of which a minimum of 17 shall be for the use of visitors.
- (o) The provisions of Sections 6A(8)(b), (c) and (d) (Parking Regulations for RM Zones other than RM2 Zones) shall not apply to parking spaces within parking structures located at or below established grade.

Bicycle Parking

- (p) Bicycle parking for residential uses within the lot shall be provided at a minimum of 125 spaces, of which a minimum of 75 spaces shall be located in a bicycle room on the ground floor.

Loading

- (q) One loading space having minimum dimensions of 4.0 metres x 13.0 metres and a minimum vertical clearance of 6.1 metres shall be provided.
- (r) Access to loading may be provided on the abutting lands to the west.

Land Division

- (s) Notwithstanding any severance, partition, or division of the lot, the regulations of this exception shall continue to apply to the whole of the lot as if no severance, partition, or division occurred.

INCREASED DENSITY/SECTION 37

- (t) 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 (u) of this exception 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 shall 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 883 square metres of additional gross floor area which 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 shall 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 (t)(i) above; and
 - B. the provision and maintenance by the Owner of a corresponding amount of indoor recreational amenity area of not less than 1.5 square metres per dwelling unit and up to a maximum of 427 square metres.

Additional Gross Floor Area

- (u) Notwithstanding the maximum gross floor area of 13,088 square metres permitted in subsection (i) of this exception, additional gross floor area up to a maximum of 1,310 square metres may be permitted on the lands zoned RM6(202) on Schedule 1 attached as follows:
 - (i) up to a maximum of 883 square metres attributable to the corresponding monetary contribution paid prior to issuance of a building permit as specified in subsection (t)(i) of this exception; and
 - (ii) up to a maximum of 427 square metres attributable to the provision and maintenance of a corresponding amount of indoor recreational amenity area specified in subsection (t)(ii)(B) of this exception.

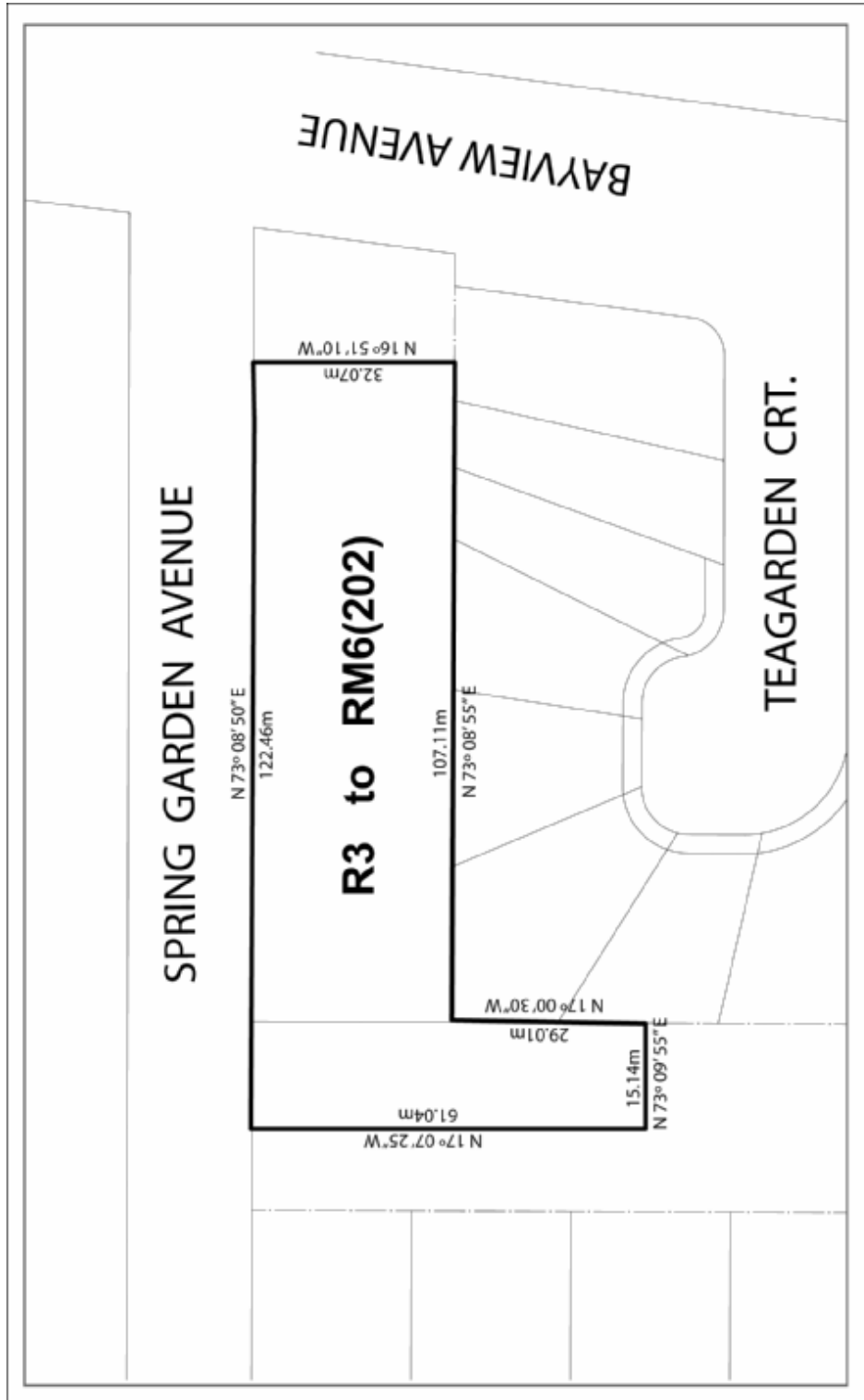
3. Section 64.20-A of By-law No. 7625 of the former City of North York, as amended, is further amended by adding Schedule RM6(202) attached to this By-law.
4. Except as provided herein, By-law No. 7625 of the former City of North York, as amended, shall continue to apply.
5. Within the lands shown on Schedule 1 attached to this By-law, 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:
 - (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.

ENACTED AND PASSED this 14th day of July, A.D. 2011.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



Schedule 1

Part of Lot 7 & all of Lot 8, Registered Plan 3237, City of Toronto.
Randy-Pentek & Edward Surveying Ltd., May 21, 2008.

Date: 03/01/2011
Approved by: R.G.

File # 10_129149



Not to Scale

