

Authority: North York Community Council Item 20.34, as adopted by City of Toronto Council on November 27, 28 and 29, 2012 and MM39.32, moved by Councillor Colle, seconded by Councillor Bailão, as adopted by City of Toronto Council on October 8, 9, 10 and 11, 2013

CITY OF TORONTO

BY-LAW No. 1338-2013

To amend the former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 1-29 and 111-133 Bagot Court, 1-87 Bredonhill Court, 41-119 Varna Drive, 1-78 Cather Crescent, 1 Leila Lane, 1-11 and 15-45 Zachary Court and 215-251 Ranee Avenue.

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 No. 7625, 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. Schedules "B" and "C" of By-law No. 7625 of the former City of North York are hereby amended in accordance with Schedule 1 of this By-law.
2. Section 64.20-A of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

64.20-A(215) RM6(215)

DEFINITIONS

APARTMENT HOUSE DWELLING

- (a) For the purposes of this exception, "apartment house dwelling" shall mean a building containing more than four (4) dwelling units each having access from an internal corridor system or direct access from grade or any combination thereof.

BICYCLE PARKING SPACE

- (b) For the purposes of this exception, "bicycle parking space" shall mean an area used for the purpose of parking or storing a bicycle.

COMMUNITY AGENCY SPACE

- (c) For the purposes of this exception, "community agency space" shall mean exclusive space for the City and/or non-profit service providers to operate local community service programs such as but not limited to recreation, employment training, settlement services, arts and cultural activities and other community service programs for local residents.

DEVELOPMENT BLOCK

- (d) For the purposes of this exception, "development block" shall mean one of the numbered blocks on Schedule RM6(215).

DEVELOPMENT SITE

- (e) For the purposes of this exception, "development site" shall mean the lands illustrated on Schedule RM6(215).

ESTABLISHED GRADE

- (f) For the purposes of this exception, "established grade" means the average elevation of the ground measured at the two points where the projection of the required minimum front yard setback line is 0.01 metres past each side lot line.

EXISTING SOCIAL HOUSING UNITS

- (g) For the purposes of this exception, "existing social housing units" shall mean the 233 rental dwelling units operated by the Toronto Community Housing Corporation that existed on the lands shown on Schedule RM6(215) on November 1, 2012.

GROSS FLOOR AREA

- (h) For the purposes of this exception, "gross floor area" shall mean the total area of all of the floors in a building above or below grade measured from the outside of the exterior walls but excluding the following:
- i. Any underground space used for loading, motor vehicle access, motor vehicle parking spaces and bicycle parking spaces;
 - ii. Mechanical penthouses;
 - iii. Elevator shafts and garbage or recycling material shafts;
 - iv. The floor area of unenclosed balconies;
 - v. Indoor private recreational amenity area to a maximum of 1.5 square metres per dwelling unit.

LONG TERM BICYCLE PARKING SPACE

- (i) For the purposes of this exception, "long-term bicycle parking spaces" shall mean a Bicycle Parking Space for use by the occupants or tenants of a building.

OFF-SITE VISITOR PARKING

- (j) For the purposes of this exception, "off-site visitor parking" shall mean Parking Spaces provided in accordance with the provisions of this bylaw, for use by visitors to a building on a neighbouring lot.

REPLACEMENT SOCIAL HOUSING UNITS

- (k) For the purposes of this exception, "replacement social housing units" shall mean the two hundred and thirty three (233) rental dwelling units to be constructed pursuant to the provisions of this exception.

SHORT TERM BICYCLE PARKING SPACE

- (l) For the purposes of this exception, "short-term bicycle parking space" shall mean a Bicycle Parking Space for use by visitors to a building.

STACKED BICYCLE PARKING SPACE

- (m) For the purposes of this exception, "stacked bicycle parking space" shall mean a horizontal Bicycle Parking Space that is positioned above or below another Bicycle Parking Space and equipped with a mechanical device providing floor level access to both Bicycle Parking Spaces.

PERMITTED USES

- (n) The only permitted residential uses shall be:
- i. Apartment House Dwellings on Development Blocks 1, 2, 3 and 4;

- ii. Underground Parking Structures associated with Apartment House Dwellings;
 - iii. Off-Site Visitor Parking;
 - iv. Multiple Attached Dwellings; and
 - v. Uses accessory thereto including detached garages.
- (o) Non-residential uses are permitted on Development Blocks 1 and 2. The only permitted non-residential uses shall be:
- i. Banks and Financial Institutions;
 - ii. Community Agency Space;
 - iii. Personal Service Shops;
 - iv. Professional Medical Offices;
 - v. Professional Offices;
 - vi. Restaurants;
 - vii. Retail Stores, including grocery stores; and
 - viii. Temporary Sales Offices.

EXCEPTION REGULATIONS

MAXIMUM DEVELOPMENT

- (p) The maximum Gross Floor Area of all buildings on the Development Site shall be 127,500 square metres.
- (q) The maximum Gross Floor Area permitted on Development Blocks 1 and 2 shall be 60,500 square metres, of which a maximum of 33,000 square metres may be provided on an individual Development Block.
- (r) The maximum Gross Floor Area permitted on Development Block 3 shall be 19,500 square metres.
- (s) The maximum non-residential Gross Floor Area permitted on Development Blocks 1 and 2 shall be 5,000 square metres, of which a maximum of 3,500 square metres may be provided on an individual Development Block.
- (t) The maximum number of dwelling units on the lands on the Development Site shall be 1,070 of which 233 shall be Replacement Social Housing Units.

LOT COVERAGE

- (u) The maximum lot coverage on Development Blocks 1, 2 and 3 shall be 60% of the Development Block.
- (v) The maximum lot coverage for Multiple Attached Dwellings including accessory garages shall be 58% of the Development Block.

LANDSCAPED COURT YARDS

- (w) Landscaped court yards with minimum dimensions of 40 metres x 40 metres shall be provided on Development Blocks 1 and 2 that are framed on three sides by buildings. The landscaped court yard on Development Block 1 shall be open to the west and the landscaped court yard on Development Block 2 shall be open to the east.

SETBACKS

- (x) The minimum yard setbacks for all buildings above Established Grade on Development Blocks 1, 2 and 3 shall be as set out on Schedule RM6(215).
- (y) The minimum yard setbacks for all underground parking structures shall be 0 metres with the exception of the west side of Development Block 2 which shall be a minimum of 2.0 metres.
- (z) The minimum front yard setback for all Multiple Attached Dwellings shall be 3.0 metres.
- (aa) The minimum side yard setback for all Multiple Attached Dwellings shall be as set out on Schedule RM6(215).
- (bb) Where no setback is shown on Schedule RM6(215), the minimum side yard setback for all Multiple Attached Dwellings shall be 1.2 metres, except:
 - (i) Where the Multiple Attached Dwellings is adjacent to a public street, the minimum side yard setback shall be 3.0 metres from the public street.
- (cc) The minimum rear yard setback for all Multiple Attached Dwellings shall be 11.0 metres.

PERMITTED PROJECTIONS

- (dd) Exterior stairways, roof overhangs and cornices, canopies, wheelchair ramps, open balconies, bay windows, pilasters and sills, and porches and decks, either excavated or unexcavated, shall be permitted to project into the minimum yard setbacks and/or beyond the maximum building envelopes.

MULTIPLE ATTACHED DWELLING GARAGES

- (ee) If a driveway provides direct vehicular access to an integral garage over the front yard of a Multiple Attached Dwelling, the minimum width of the multiple attached dwelling unit shall be 6.0 metres.

- (ff) Driveways providing direct vehicular access to an integral garage over the front yard of a Multiple Attached Dwelling are prohibited in the following locations:
- i. The north frontage of Development Blocks 1 and 2;
 - ii. The west frontage of Development Block 1;
 - iii. The east frontage of Development Block 2;
 - iv. The west frontage of Development Block 3; and
 - v. Any portion of a lot directly across the street from planned parkland.
- (gg) If a public lane or private driveway provides vehicular access to the rear yards of Multiple Attached Dwellings, detached accessory garages are permitted within minimum rear yard setbacks provided:
- i. The accessory garage has a maximum coverage of 18%;
 - ii. The accessory garage is a minimum of 3.0 metres from a public street;
 - iii. The accessory garage does not contain roof top decking or terracing; and
 - iv. The elevation of the floor of the entrance to the garage is at or above the centerline of the street in line with the intersection of the mid-point of the garage entrance.
- (hh) The minimum rear yard setback for a detached accessory garage is 0.0 metres.
- (ii) If the vehicular entrance to a permitted accessory garage faces the rear property line of a lot that abuts any R Zone, the minimum rear yard setback shall be 7.5 metres, including a minimum 1.5 metres landscape buffer provided along the rear property line.
- (jj) If a public lane or private driveway provides vehicular access to the rear yards of Multiple Attached Dwellings, integral garages are permitted to project into the required rear yard setbacks provided:
- i. The minimum setback to the entrance of the integral garage is 7.5 metres from any property line abutting an R Zone. A landscape strip at least 1.5 metres in width shall be planted and maintained along such property line;
 - ii. The maximum height of the integral garage projecting into the setback is 3.5 metres; and
 - iii. Any deck or terrace constructed on top of the integral garage does not project into the rear yard setback more than 3.0 metres.

BUILDING HEIGHT

- (kk) The maximum height of any portion of a building or structure shall be as follows:
- i. The maximum height in metres for buildings or structures located on Development Blocks 1, 2 and 3 shall not exceed that shown on Schedule RM6(215).

- ii. The maximum height for Multiple Attached Dwellings shall be the lesser of 12.5 metres or four storeys.
 - iii. The maximum height for Multiple Attached Dwellings within 75m of any R Zone shall be the lesser of 11 metres or 3 storeys.
 - iv. The maximum height for accessory garages of Multiple Attached Dwellings shall be the lesser of 3.5 metres or 1 storey.
- (ll) A penthouse or a roof structure which is used only as an ornament or to house the mechanical equipment of the building:
- i. Does not constitute a storey for the purposes of subsection (kk)i hereof;
 - ii. Shall not be included in the calculation of height of each portion of a building for the purposes of subsection (kk)i hereof; and
 - iii. Shall not cause the building to exceed the maximum height, in metres, permitted by Schedule D (Airport Hazard Map) of the former City of North York Zoning By-law No. 7625.

RESIDENTIAL PARKING

- (mm) Parking for Apartment House Dwellings shall be provided at the following minimum rates:
- i. 0.6 parking spaces for each bachelor dwelling unit;
 - ii. 0.7 parking spaces for each 1 bedroom dwelling unit;
 - iii. 0.9 parking spaces for each 2 bedroom dwelling unit;
 - iv. 1.0 parking spaces for each 3 bedroom dwelling unit and larger; and
 - v. 0.15 visitor parking spaces per dwelling unit.
- (nn) Parking for Apartment House Dwellings shall be provided at the following maximum rates:
- i. 0.9 parking spaces for each bachelor dwelling unit;
 - ii. 1.0 parking spaces for each 1 bedroom dwelling unit;
 - iii. 1.3 parking spaces for each 2 bedroom dwelling unit;
 - iv. 1.5 spaces for each 3 bedroom dwelling unit and larger; and
 - v. No maximum visitor parking space requirement.
- (oo) Notwithstanding subsections (mm) and (nn), parking for Apartment House Dwelling units with direct access from grade that are Replacement Rental Social Housing Units shall be provided at a minimum rate of 1.2 parking spaces per dwelling unit, of which 0.2 parking spaces per dwelling unit shall be for the use of visitors.

- (pp) Parking for Multiple Attached Dwellings shall be provided at a minimum rate of 1.1 parking spaces per dwelling unit, of which 0.1 parking spaces per dwelling unit shall be for the use of visitors.
- (qq) Parking spaces for Multiple Attached Dwellings may be provided on the same lot, or on a lot within 325 metres of thereof.

NON-RESIDENTIAL PARKING

- (rr) Parking for the uses permitted under section (o) hereof, shall be provided at the following minimum rates:
 - i. 2.0 parking spaces per 100 square metres of Gross Floor Area for grocery store uses; and
 - ii. 1.0 parking space per 100 square metres of Gross Floor Area for all other permitted non-residential uses.
- (ss) Parking for the uses permitted under section (o) hereof, shall be provided at the following maximum rates:
 - i. 4.5 parking spaces per 100 square metres of Gross Floor Area for grocery store uses; and
 - ii. 4.0 parking spaces per 100 square metres of Gross Floor Area for all other permitted non-residential uses.

BICYCLE PARKING

- (tt) Bicycle Parking shall be provided on-site in accordance with the following:
 - i. For Apartment House Dwellings, a minimum rate of 0.7 Long Term Bicycle Parking Spaces per dwelling unit and a minimum of 0.08 Short Term Bicycle Parking Spaces per dwelling unit; and
 - ii. For non-residential uses, a minimum of 0.13 Long Term Bicycle Parking Spaces per 100 square metres of Gross Floor Area, and a minimum of three Short Term Bicycle Parking Spaces plus 0.25 Short Term Bicycle Parking Spaces per 100 square metres of Gross Floor Area.
- (uu) A Long Term Bicycle Parking Space may be located in a Stacked Bicycle Parking Space.
- (vv) A Bicycle Parking Space must have the following dimensions:
 - i. If located in a horizontal position (on the ground):
 - I. minimum length of 1.8 metres;

- II. minimum width of 0.6 metres;
 - III. minimum vertical clearance from the ground of 1.9 metres;
- ii. If located in a vertical position on the wall, structure or mechanical device:
- I. minimum length or vertical clearance of 1.9 metres;
 - II. minimum width of 0.6 metres;
 - III. minimum horizontal clearance from the wall of 1.2 metres; and
- iii. If a stacked bicycle space is provided, the minimum vertical clearance for each bicycle parking space is 1.2 metres.

(ww) Vertical Clearance of a Bicycle Parking Area

- i. An area used to provide Bicycle Parking Spaces must have a minimum vertical clearance of:
- I. 2.4 metres if it is a Stacked Bicycle Parking Space; and
 - II. 1.9 metres in all other cases.

LOADING SPACES

- (xx) Loading spaces are required to be provided on Development Blocks 1, 2 and 3 in accordance with the uses proposed on the Development Block.

DIVISION OF LANDS

- (yy) Notwithstanding any severance or division of the lands shown on Schedule RM6(215), the regulations of this exception shall continue to apply to the whole of the lands as if no severance or division had occurred.

LOTS REDUCED BY ROAD CONSTRUCTION

- (zz) Notwithstanding Section 6(6)(Lots Reduced by Road Construction), where for the purpose of a road widening a municipal government acquires part of a lot, the remaining portion of the lot and any building to be erected on it shall be deemed to comply with the provisions of this exception respecting minimum yard setbacks.

SECTION 37

- (aaa) Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the development site contemplated herein is permitted in return for the owner's election to provide, at the owner's expense, the facilities, services and matters set out in Schedule 2 hereof 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 to the lands.

- (bbb) Where Schedule 2 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.
 - (ccc) 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 2 are satisfied.
3. Within the lands shown on Schedule RM6(215) 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 on October 11, 2013.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Not to Scale

Schedule 2
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the *owner's* expense in return for the increase in height and density of the proposed development on the Development Site and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

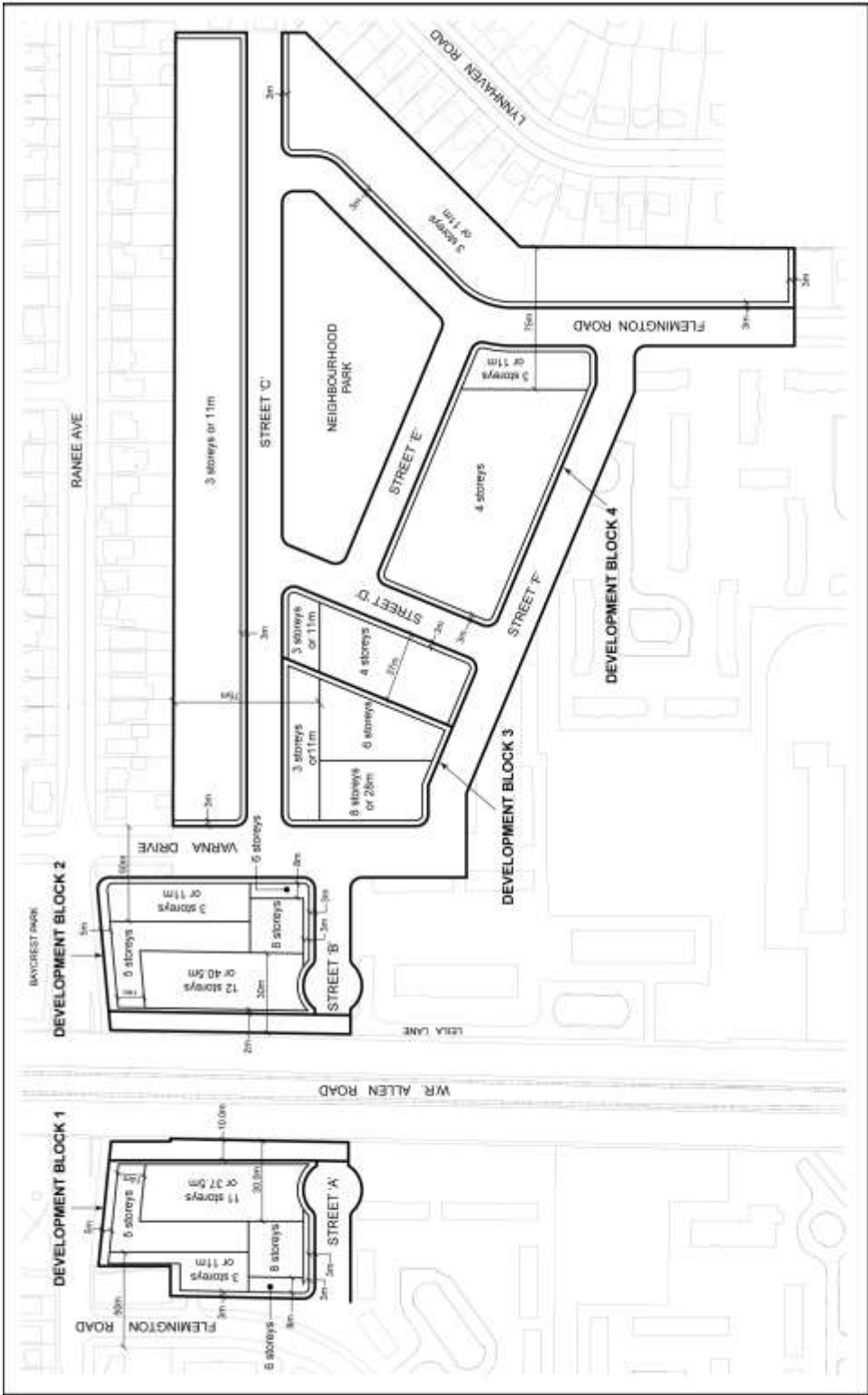
- (1) Prior to issuance of building permit, other than building permit for a temporary sales office/pavilion, the owner shall:
 - a) Provide confirmation that the infrastructure required for the development of each phase as identified in the accepted Functional Servicing Report and Transportation Functional Design is constructed or secured to the satisfaction of the General Manager of Toronto Water and the General Manager of Transportation Services.
- (2) The owner shall provide and maintain the following:
 - a) A minimum of 233 Replacement Social Housing Units on the Development Site, all of which will have rents geared to income, which units shall be of a size to the satisfaction of the City's Chief Planner and Executive Director, City Planning Division.
 - b) Each Replacement Social Housing Unit will be maintained as a rent-geared-to-income unit for not less than 25 years from the date on which it was first occupied.
 - c) The 233 Replacement Social Housing Units shall be ready and available for occupancy no later than the date by which not more than 80% of the market dwelling units erected on the development site are available and ready for occupancy, unless otherwise agreed to in writing by the Chief Planner.
 - d) The 233 Replacement Social Housing Units will consist of:
 - i. 12 units of no fewer than 1-bedroom, all of which may be located in Apartment House Dwellings;
 - ii. 13 units of no fewer than 2-bedrooms, all of which may be located in Apartment House Dwellings;
 - iii. 54 units of no fewer than 3-bedrooms, all of which may be located in Apartment House Dwellings;
 - iv. 64 units of no fewer than 3-bedrooms, all or a portion of which may be located in Apartment House Dwellings with direct access to the individual unit at grade or in multiple attached dwellings with direct access to the individual unit at grade;
 - v. 71 units of no fewer than 4-bedrooms, 33 of which may be located in Apartment House Dwellings with direct access to the individual unit at

- grade and 33 of which will be located in Multiple Attached Dwellings with direct access to the individual unit at grade; and
- vi. 19 units of no fewer than 5-bedrooms, all of which will be located in Multiple Attached Dwellings with direct access to the individual unit at grade.
- e) The owner may, in consultation with the City, subject to the approval of the Chief Planner and General Manager, SSHA, elect to provide a greater number of bedrooms per Replacement Social Housing Unit and/or a greater number of Replacement Social Housing Units that are grade-related given possible changes to the family composition of tenant households over the course of the relocation process.
- f) The Replacement Social Housing Unit will generally be of a similar mix of size and unit type by bedroom type as the existing Replacement Rental Dwelling Units they are replacing and will be provided subject to subsection d and may include apartments and grade-related units. At least 60% of the total grade-related Replacement Social Housing Units shall be located in low-rise buildings and at least 25% of the total grade-related Replacement Social Housing Units shall be located in townhouse or other houseform buildings.
- g) In cases where Replacement Social Housing Units do not match the Existing Social Housing Units in terms of the number of bedrooms per unit or the relationship to grade, deficiencies will be made up in the first subsequent phase of revitalization within the Lawrence Heights Lands, as identified on Map 32-2 of the Lawrence Allen Secondary Plan, subject to the satisfaction of the Chief Planner and General Manager, SSHA.
- h) The owner shall provide tenant relocation assistance in accordance with the more detailed Tenant Relocation and Assistance Plan to be included in the agreement or agreements, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, for tenants in the existing buildings on the lands, and that requires at least:
 - i. The right to a Replacement Social Housing Unit and the option to stay in the Lawrence Heights Lands, as identified on Map 32-2 of the Lawrence Allen Secondary Plan, during revitalization;
 - ii. At least 5 months notice prior to the date they must vacate their unit due to demolition;
 - iii. Assistance with moving to and from a temporary relocation unit and new replacement social housing unit; and
 - iv. Priority to select a unit in the next phase of revitalization for tenants who are not provided a replacement social housing unit they would otherwise be eligible to.
- i) The owner shall prepare a Construction Mitigation and Tenant Communication Strategy, prior to the issuance of the first building permit in each phase of the

construction, to the satisfaction of the Chief Planner and Executive Director, City Planning.

- (3) Prior to the issuance of an approval of any application filed for Site Plan Control Approval for the redevelopment of the Development Site, the owner shall:
 - a) Remit all outstanding Planning Application Fees as per the City and TCHC's Memorandum of Understanding, dated November 24, 2010, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Treasurer.
- (4) Prior to the issuance of the first above-grade building permit for the redevelopment of the Development Site, the owner shall:
 - a) Obtain approval of a Public Art Plan carried out in compliance with the Percent for Public Art Program Guidelines for the construction of the proposed market residential units.
- (5) The owner shall provide the following to support the development of the Development Site:
 - a) The owner shall convey a 0.36 hectare parcel of land to the City for parkland purposes beyond the boundaries of the Ranee and Northeast Districts to be identified to the satisfaction of the General Manager of Parks, Forestry and Recreation and such conveyance be secured in an Escrow Agreement to the satisfaction of the City Solicitor and the General Manager of Parks, Forestry and Recreation. In the event an acceptable dedication is not feasible, a cash-in-lieu payment will be made to the City.
 - b) 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 in October, 2009.
 - c) The owner shall submit for approval a Concept Plan for the Allen Road - Mid-Rise Areas with the development applications for the Commons West or the Commons East Districts which reflect the density deployment on the remaining development blocks to achieve a total density of 3.0 FSI including the density approved within the Ranee District.

Schedule RM6(215)



Schedule RM6(215)

Part of Lot 8, Con. 2, W.Y.S., Blocks M & N, Lots 20 to 39 inclusive, 42 & 52, Part of Blocks C, P & L, Part of Lots 40, 41 & 43, Polaris Lane, Trafford Lane & Cathar Crescent, Part of Bagot Court, Brendonhill Court, Leila Lane, Varna Drive & Zachary Court, R.P. 5633, City of Toronto

File # 10 140382 NNY 15 OZ

Sweeney Sterling Finlayson & Co Architects Inc.

Date: 10/17/2012

Approved by: C.Ventresca



Not to Scale