

Authority: North York Community Council Item NY20.33, as adopted by City of Toronto Council on November 27, 28 and 29, 2012 and MM23.39, by Councillor David Shiner, seconded by Councillor Jon Burnside, as adopted by City of Toronto Council on December 13, 14 and 15, 2016

CITY OF TORONTO

BY-LAW No. 1278-2016

To amend former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 2-14 Cusack Court.

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*, a By-law passed under Section 34 of the *Planning Act* may authorize increases in the height or density of development beyond that 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 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 lands known at the date of enactment of this By-law as 2-14 Cusack Court (the "Lands") has elected to provide the facilities, services or matters as are set out in this By-law; and

Whereas the increase in height and density of development permitted under this By-law beyond that otherwise permitted on the Lands by By-law 7625, as amended, 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 of the Lands and the City of Toronto;

The Council of the City of Toronto enacts as follows:

1. Schedules "B" and "C" of By-law 7625 are amended in accordance with Schedule 1 of this By-law.
2. Section 64.20-A of By-law 7625 is amended by adding the following subsection:

"64.20 - A (214) RM6 (214)

DEFINITIONS

- (a) For the purpose of this exception, "Gross Floor Area" shall mean the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, but excluding:

- (i) amenity area;
 - (ii) areas used for parking, loading and Bicycle Parking;
 - (iii) required loading spaces and required Bicycle Parking spaces at or above established grade;
 - (iv) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (v) elevator shafts;
 - (vi) garbage shafts;
 - (vii) mechanical penthouse; and
 - (viii) exit stairwells in the building;
- (b) For the purpose of this exception, "Bicycle Parking" shall mean an area below established grade or at grade that is equipped with bicycle racks or lockers for the purpose of parking and securing bicycles, but is not intended for general storage use;
- (c) For the purpose of this exception, "Amenity Area" shall mean an indoor or outdoor space that is communal and available for use by the occupants of the building for recreational or social activities;
- (d) For the purpose of this exception, "Established Grade" shall mean 174.30 metres Canadian Geodetic Datum;
- (e) For the purpose of this exception, "Apartment House Dwelling" shall mean a building containing more than four (4) dwelling units, each having access either from an interior corridor system or direct access at grade, or any combination thereof; and
- (f) For the purposes of this exception, "Underground" is defined as below established grade;

PERMITTED USES

- (g) As shown on Schedule RM6 (214), the only permitted uses shall be an Apartment House Dwelling including Amenity Areas and all commercial uses permitted in a 'C-1' General Commercial Zone;
- (h) Use Qualifications
- (i) Outdoor Amenity Areas may be located on rooftop terraces;

EXCEPTION REGULATIONS

GROSS FLOOR AREA

- (i) The provisions of Section 20-A.2.5 (Gross Floor Area) shall not apply;
- (j) The maximum permitted residential gross floor area shall be 13,932 square metres;
- (k) The maximum permitted commercial gross floor area shall be 1,671 square metres;

DWELLING UNITS

- (l) The maximum number of dwelling units shall be 195;

LOT COVERAGE

- (m) The provisions of Section 20-A.2.2 (Lot Coverage) shall not apply;

LANDSCAPING

- (n) The provisions of Section 15.8 (Landscaping) shall not apply;

AMENITY AREA

- (o) A minimum of 2.0 square metres of outdoor Amenity Area per dwelling unit shall be provided;

YARD SETBACKS

- (p) The provisions of Section 20-A.2.4 (Yard Setbacks) shall not apply;
- (q) The minimum yard setbacks for all buildings and structures above established grade shall be as set out on Schedule RM6 (214);
- (r) The minimum yard setbacks for Underground parking structures shall be 0 metres;

HEIGHT

- (s) The provisions of Section 20-A.2.6 (Building Height) shall not apply;
- (t) The maximum building height and number of storeys shall not exceed the maximum height in metres and number of storeys shown on Schedule RM6 (214);

- (u) A penthouse or other roof structure which is used only as an ornament or to house the mechanical equipment of the building does not constitute a storey and shall be disregarded in calculating the height of the building;

PARKING

- (v) The provisions of Section 6A(2) (Parking Requirements) shall not apply. The minimum number of parking spaces shall be calculated in accordance with the following:

Residential:

- Bachelor Units - 0.7 spaces per dwelling unit
- 1-Bedroom Units - 0.8 spaces per dwelling unit;
- 2-Bedroom Units - 0.9 spaces per dwelling unit;
- 3 or more Bedroom Units - 1.1 space per dwelling unit; and
- Visitors - 0.15 spaces per dwelling unit;

Commercial/Retail:

- 1.0 spaces per 100 square metres of gross floor area;

The maximum number of parking spaces shall be calculated in accordance with the following:

Residential:

- Bachelor Units - 1.0 spaces per dwelling unit;
- 1-Bedroom Units - 1.2 spaces per dwelling unit;
- 2-Bedroom Units - 1.3 spaces per dwelling unit; and
- 3 or more Bedroom Units - 1.6 space per dwelling unit;

Commercial/Retail:

- 4.0 spaces per 100 square metres of gross floor area;

LOADING SPACES

- (w) The provisions of Section 6A(12)(Loading) shall not apply. Loading shall be provided as follows:
- (i) a minimum of one Type G (4.0 metres x 6.1 metres) and one Type B (3.5 metres x 11.0 metres x 4.0 metres) loading space; and
 - (ii) a Type 'G' loading space means a loading space that is a minimum of 4.0 metres wide, a minimum of 13.0 metres long and has a minimum vertical clearance of 6.1 metres;

BICYCLE PARKING

- (x) Residential Bicycle Parking shall be provided as follows:

- (i) Long Term - 0.7 spaces per dwelling unit; and
 - (ii) Short Term - 0.08 spaces per dwelling unit.
- (y) Non-residential Bicycle Parking shall be provided as follows:
- (i) Long Term - 0.13 spaces per 100 square metres of non-residential floor area; and
 - (ii) Short Term - 3 plus 0.25 spaces per 100 square metres of non-residential floor area;

PROJECTIONS

- (z) The provisions of Section 6(9)(c) for permitted projections into one minimum side yard setback only shall not apply;
- (aa) Exterior stairways, wheelchair ramps, canopies, balconies, bay windows, and covered porches and decks, shall be permitted to project into the minimum yard setbacks;

OTHER

- (bb) Within the lands shown on Schedule RM6(214) 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:
 - (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;

SECTION 37 AGREEMENT

- (cc) Pursuant to Section 37 of the *Planning Act* the owner of the lands shown on Schedule RM6(214), at the owner's expense and in accordance with, and subject to the agreement(s) referred to subsection (cc)(i) below, shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto, in order to permit an increase in the maximum gross floor area cited in the Gross Floor Area clause 2(j) of this exception:
 - (i) 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 subject to this exception to secure:
 - (a) A cash contribution of \$900,000.00 to be allocated as follows:

- (A) \$750,000.00 to be used towards the cost of constructing and equipping a public community centre as identified in Figure 4.3.3 of the Sheppard East Subway Corridor Secondary Plan; and
 - (B) \$150,000.00 to be used towards capital improvements that will benefit the community in the vicinity of the development such as, but not limited to, parks, local streetscape and public art, in consultation with the appropriate City division and the Ward Councillor;
- (b) Require that the cash amounts identified above to be provided prior to the issuance of any above grade permits and be indexed quarterly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City;
 - (c) In the event the financial contribution referred to above has not been used for the intended purpose within 3 years of By-law 1278-2016 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; and
 - (d) the provision for a minimum of 1.7 square metres per dwelling unit of indoor amenity area to a maximum of 340 square metres provided that such gross floor area is used solely for the purposes of indoor private recreational amenity area, and such area shall be exempted from the calculation of residential gross floor area in clause 2(j);

The following matters are also recommended to be secured in the Section 37 Agreement to support the development:

- (e) the construction and maintenance of the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council in October 2009; and
- (f) prior to the issuance of any building permit, including any below grade permits, the owner shall submit and have received approval for a Construction Management Plan, prepared to the satisfaction of the Director, Transportation Services, North York District and

the Executive Director of Engineering and Construction Services, North York District, such plan to include information regarding the construction timetable and protocols to address construction activities such as noise, dust, temporary loss of facilities and services, parking of vehicles, standards for cleanliness of public spaces and contact numbers for complaints.

3. Section 64.20-A of By-law 7625 is amended by adding Schedule RM6 (214) attached to this by-law.

Enacted and passed on December 15, 2016.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



