

Authority: North York Community Council Item NY18.37, as adopted by City of Toronto Council on December 13, 14 and 15, 2016 and MM31.54, by Councillor Jon Burnside, seconded by Councillor Justin J. Di Ciano, as adopted by City of Toronto Council on July 4, 5, 6 and 7, 2017

CITY OF TORONTO

BY-LAW 846-2017

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2016 as 3 Southvale Drive, 5 Southvale Drive and a portion of 1073 Millwood Road.

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 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 and 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 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 and matters in return for an increase in the height or density of development, the 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 569-2013, 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. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, as amended, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the zone label, RA (d 2.9) (x91), and OR to these lands as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.7.10 Exception Number 91 so that it reads:

"Exception RA 91

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On a portion of 3 Southvale Drive, 5 Southvale Drive and a portion of 1073 Millwood Road, if the requirements of By-law 846-2017 are complied with, none of the provisions of regulation 15.5.100.1(2) apply to prevent the erection or use of a **building, structure**, addition or enlargement permitted in By-law 846-2017 that comply with (B) to (T) below;
- (B) For purpose for these site specific provisions, the lot is delineated by those lands zoned RA (d2.9)(x91) as shown on Diagram 3 of By-law 846-2017;
- (C) In addition to the uses permitted by Article 15.10.20 for the RA Zone, an office, used exclusively for the initial sale and/or initial leasing of **dwelling units** proposed on the lands, is permitted;
- (D) Despite clause 15.10.30.40, the permitted maximum **lot coverage** is 60 percent of the **lot area**;
- (E) Despite regulation 15.5.40.10(1), the height of the **building** is measured from the Canadian Geodetic Datum elevation of 135.5 metres;
- (F) Despite clauses 15.5.40.10 and 15.10.40.10, the permitted maximum height of a **building or structure** is the numerical value in metres following the letter "H" and, where indicated, the numerical number of **storeys** following the letters "ST" within the areas delineated on Diagram 3 of By-law 846-2017 with the following exceptions:
 - (i) parapets, guard rails, railing and dividers, trellises, eaves, screens, stairs, roof drainage, window washing equipment, mechanical and electrical services, lightning rods, architectural features, landscaping and elements of a green roof are permitted to a maximum vertical projection of not more than 2.0 metres, except within the area delineated as H0.0 metres on such Diagram 3;
 - (ii) heating, cooling or ventilating equipment and elements or structures on the roof of the building used for outside or open air circulation are permitted to a maximum vertical projection of not more than 1.5 metres above the mechanical penthouse as delineated on such Diagram 3; and

- (iii) utilities are permitted to a maximum vertical projection of not more than 2.0 m within the areas delineated as H0.0 metres on such Diagram 3;
- (G) Despite regulation 800(820), the area delineated as a mechanical penthouse on Diagram 3 of By-law 846-2017 shall not be considered a **storey**;
- (H) Despite clause 15.5.40.40, the permitted maximum **gross floor area** of all **buildings** and **structures** is 5,948 square metres, and garbage rooms shall not be included in the calculation of **gross floor area**;
- (I) Despite clause 15.10.40.70 and regulation 15.10.40.80(3), the minimum **building setbacks** are those setbacks shown in metres on Diagram 3 of By-law 846-2017;
- (J) Despite clause 15.5.40.50 and regulation 15.5.40.60(1), balconies and terraces may project beyond the heavy lines shown on Diagram 3 of By-law 846-2017 to a maximum of 3.0 metres;
- (K) Despite regulations 5.10.40.70(2) and 15.5.80.20(1), the minimum required **building setback** for parking **structures** below ground is 0.0 metres;
- (L) Despite clause 15.5.40.60, cornices, lighting fixtures, awnings, ornamental or architectural elements, parapets, trellises, eaves, window sills, guardrails, sills, eaves, balustrades, railings, wheel chair ramps, stairs, stair enclosures, vents, underground garage ramps and their associated structures, fences, stairs, stair enclosures, retaining walls, air shafts, transformer vaults, utilities, screens landscape and public art features and canopies, and any elements required for the functional operation of the **building** may project beyond the heavy lines shown on Diagram 3 of By-law 846-2017 to a maximum of 0.5 metres;
- (M) Despite clause 15.5.50.10, a minimum of 24 percent of the **lot area** must be used for **landscaping**;
- (N) Despite regulation 200.15.1(1), an accessible **parking space** must have the minimum width of 3.9 metres;
- (O) Despite regulation 200.15.1(3), additional space of 1.5 metres adjacent to an accessible **parking space** is not required;
- (P) Despite regulation 200.15.1(4), accessible **parking spaces** may be located in the underground parking garage;
- (Q) Despite regulation 200.15.10(1), a minimum of 4 accessible **parking spaces** are required;
- (R) Despite clause 220.5.10.1, a minimum of 1 Type "C" **loading space** must be provided;

- (S) Despite regulation 230.5.1.10(4), the minimum dimension of a **bicycle parking space** is:
- (i) minimum length of 1.9 metres; and
 - (ii) minimum width of 0.4 metres;
- (T) Despite regulation 230.5.10.1(5), for 39 **dwelling units**, a minimum of 40 **bicycle parking spaces** must be provided and maintained on the **lot** in accordance with the following:
- (i) a minimum of 8 **bicycle parking spaces** must be allocated as "short-term" **bicycle parking spaces**;
 - (ii) a minimum of 32 **bicycle parking spaces** must be allocated as "long-term" **bicycle parking spaces**; and
 - (iii) the required **bicycle parking spaces** may be installed in a horizontal and/or vertical position.

Prevailing By-laws and Prevailing Sections: (None Apply)

5. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 3 hereof in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
- (B) Where Schedule A 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; and
- (C) 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 A hereof are satisfied.

Enacted and passed on July 7, 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE A
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 lands as shown in Diagram 3 of this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

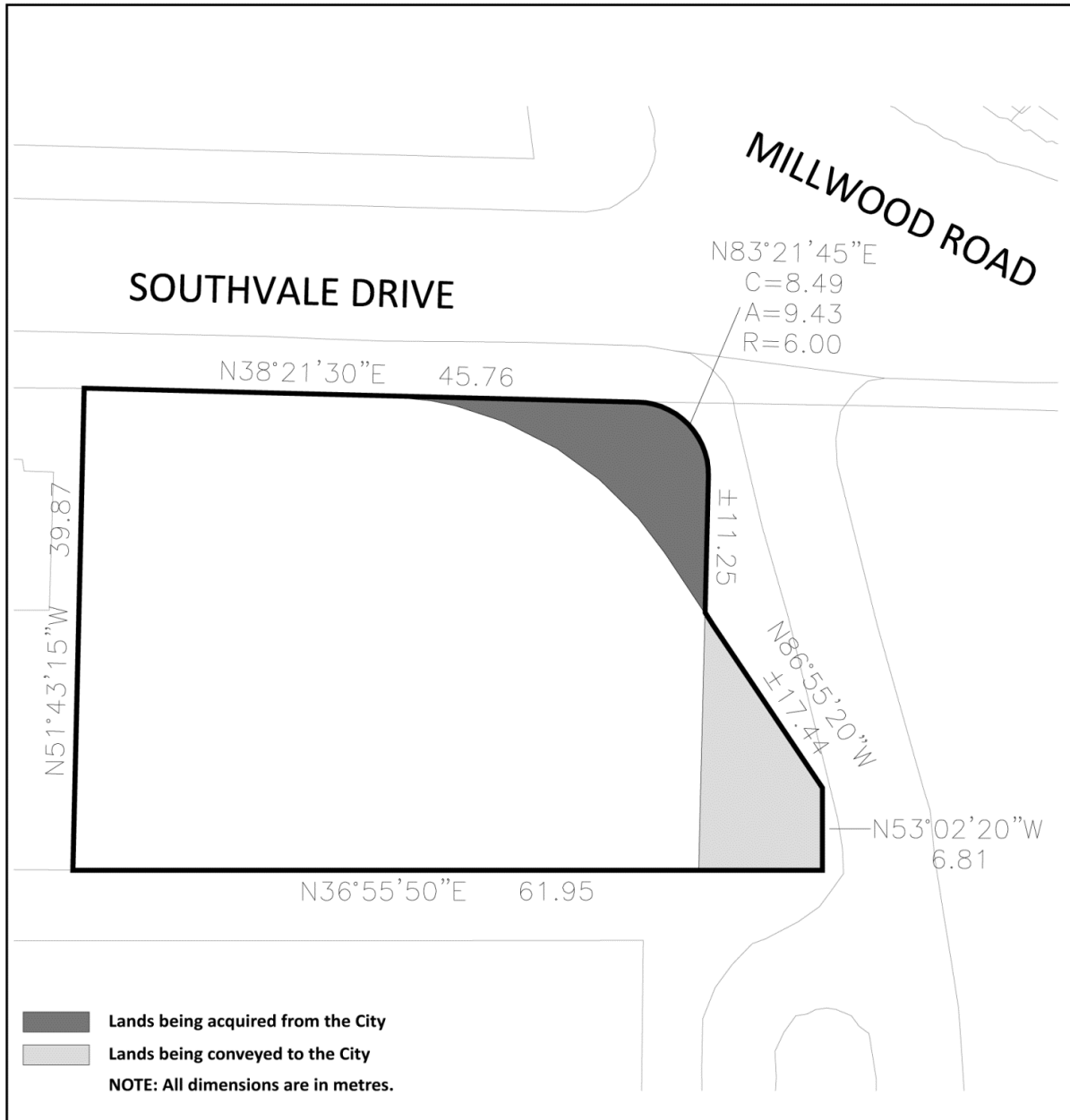
- (1) Prior to issuance of an above grade building permit, other than building permit for a temporary sales office/pavilion, the owner shall make a financial contribution to the City in the amount of three hundred thousand dollars (\$300,000 CAN) to be allocated as follows at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor:
 - a. \$250,000 towards the construction of a splash pad in Trace Manes Park at 110 Rumsey Road; and
 - b. \$50,000 towards streetscape improvements within the Leaside Business Improvement Area in the general vicinity of Bayview Avenue between Davisville and Soudan Avenues.

The financial contribution referred to above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

- (2) The owner shall provide the following in support of development of the lands;
 - a. prior to the issuance of any building permit, including a shoring and excavation permit, the Owner shall have acquired all lands proposed to form the **lot** as shown on Diagram 3 of this By-law and subject to Exception RA91, to the satisfaction of the Chief Corporate Officer and City Solicitor;
 - b. prior to the issuance of the first above-grade building permit the Owner shall make a payment of twenty thousand dollars (\$20,000 CAN) to the City to be used at the discretion of the General Manager, Transportation for road and infrastructure improvements at the Southvale Drive and Millwood Road intersection;
 - c. 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 at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Committee; and
 - d. prior to issuance of notice of approval conditions for site plan the Owner shall:
 - i. submit a revised Functional Servicing Report and Geotechnical/Hydrogeological Report to the satisfaction of the Executive Director, Engineering and Construction Services; and

- ii. have made arrangements to the satisfaction of the Executive Director, Engineering and Construction Services, for the construction of any improvement to the municipal infrastructure, should it be determined that upgrades are required to support the development, based on the reports accepted by the Executive Director, Engineering and Construction Services.

- (3) In the event the financial contributions referred to in Section (1) have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the financial contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose(s) is identified in the Toronto Official Plan and will benefit the community in the vicinity of the **lot**.

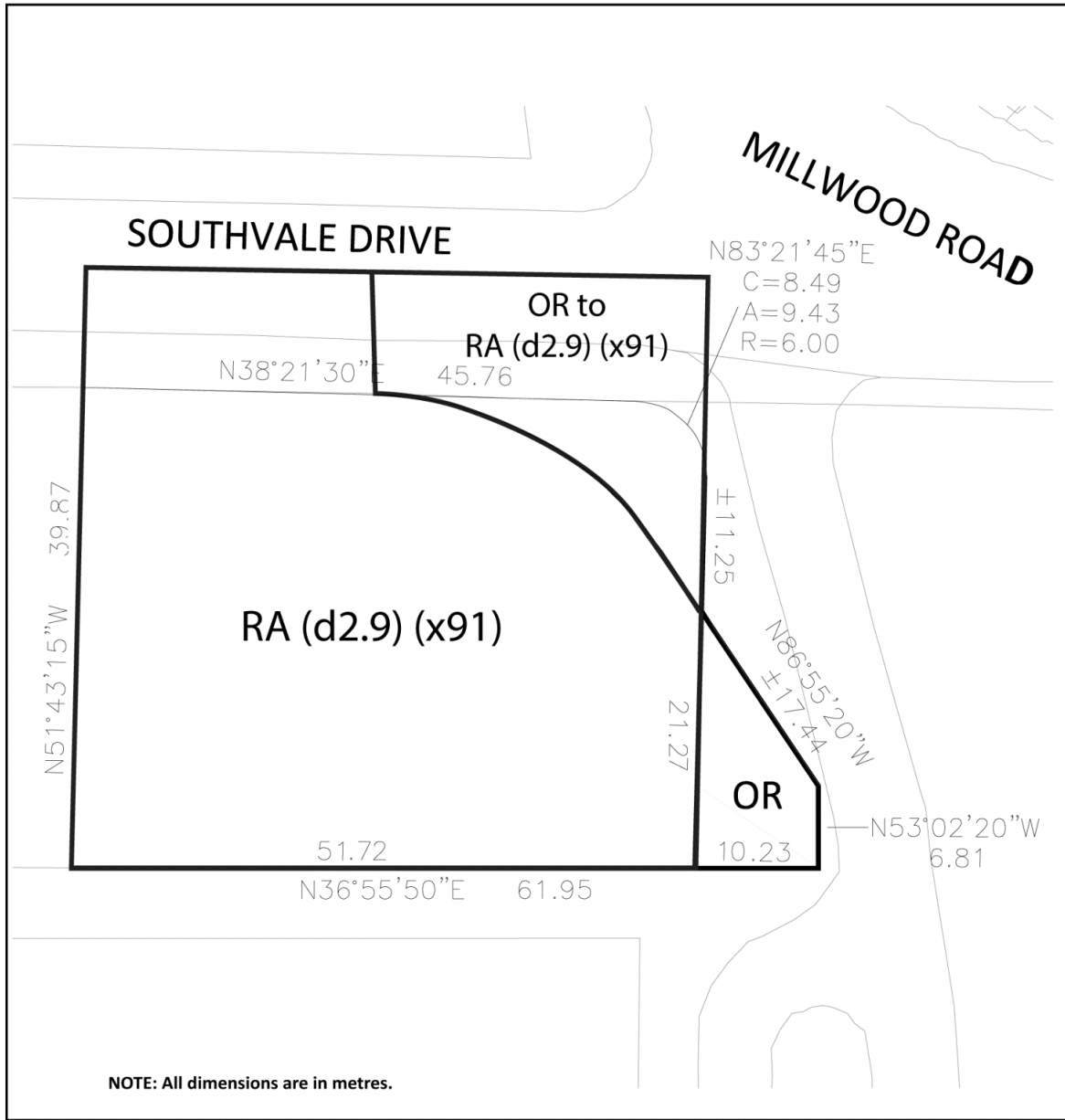


TORONTO
Diagram 1

3 & 5 Southvale Drive

File # 15 150340 NNY 26 OZ

City of Toronto By-Law 569-2013
Not to Scale
06/30/2017

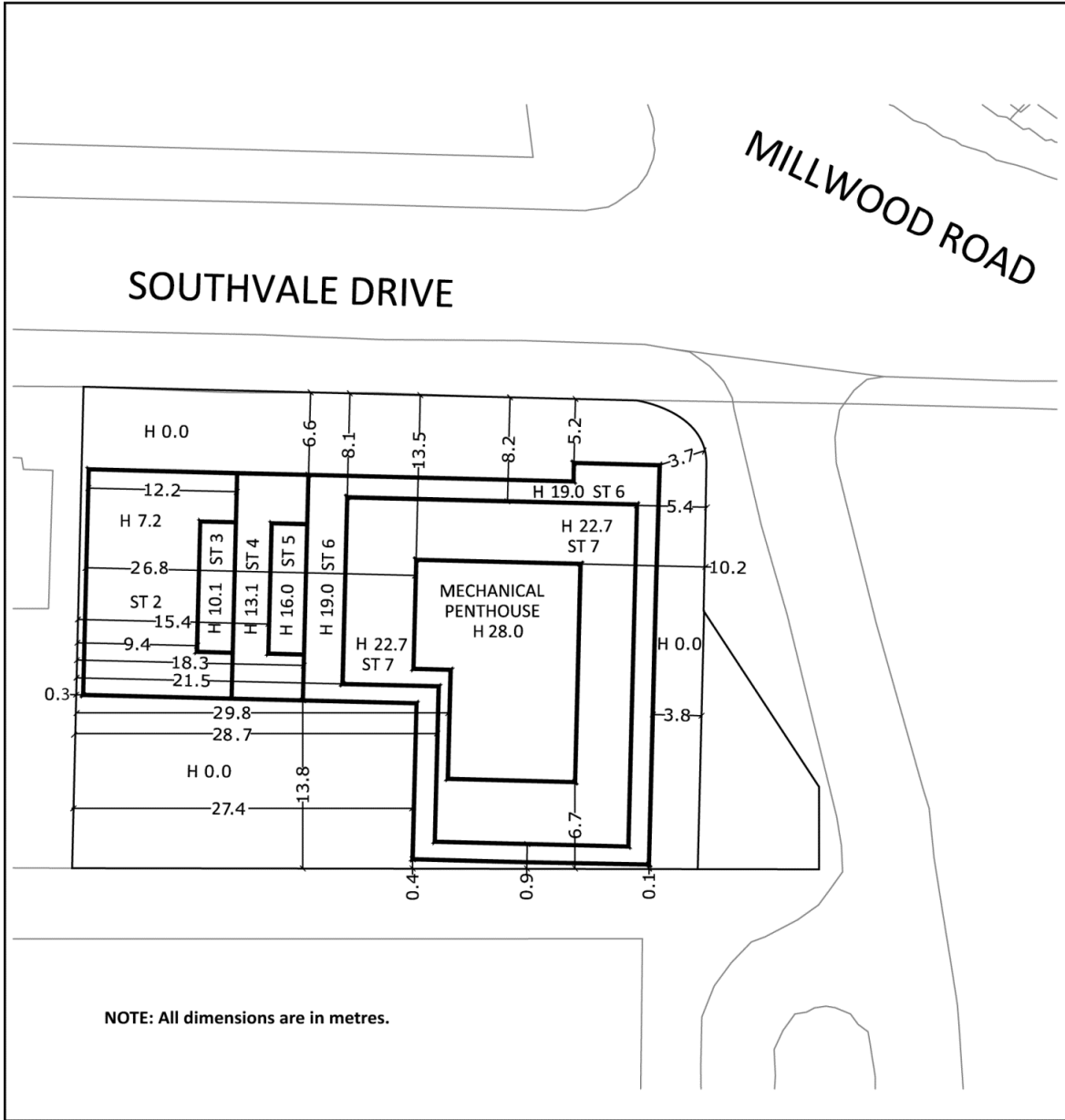


TORONTO
Diagram 2

3 & 5 Southvale Drive

File # 15 150340 NNY 26 0Z

City of Toronto By-Law 569-2013
 Not to Scale
 06/30/2017



TORONTO
Diagram 3

3 & 5 Southvale Drive

File # 15 150340 NNY 26 OZ

City of Toronto By-Law 569-2013
 Not to Scale
 06/30/2017