

CITY OF TORONTO

BY-LAW 616-2020

To amend former City of North York Zoning By-law 7625, as amended, with respect to lands municipally known as 831, 833 and 837 Glencairn Avenue and 278, 280, and 282 Hillmount Avenue.

Whereas pursuant to Section 37 of the Planning Act, a By-law passed under Section 34 of the Planning Act may authorize increases in height or density of development beyond that permitted otherwise 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 831, 833 and 837 Glencairn Avenue and 278, 280, and 282 Hillmount Avenue (the "Lands") has elected to provide the facilities, services or matters as 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:

1. Schedules "B" and "C" of By-law 7625 of the former City of North York are amended in accordance with Schedule 1 attached to this By-law.
2. Section 64.2(1) of By-law 7625 of the former City of North York is amended by adding the following subsection:

64.2(1)

DEFINITIONS

- (a) For the purpose of this exception, "established grade" shall mean a geodetic elevation of 175.25 metres above sea level.
- (b) For the purpose of this exception, "gross floor area" shall mean the total means the sum of the total area of each floor level of a **building**, above and below the ground, measured from the exterior of the **main wall** of each floor level, and shall be reduced by the following areas in the building:

- (i) Parking, loading and bicycle parking below ground;
 - (ii) Required loading spaces at the ground level and any bicycle parking spaces at or above ground.
 - (iii) Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (iv) Shower and change facilities provided for bicycle parking spaces;
 - (v) Amenity space required by this By-law;
 - (vi) Elevator shafts;
 - (vii) Garbage shafts;
 - (viii) Mechanical penthouse; and
 - (ix) Exit stairwells in the building.
- (c) "Lands" shall mean the lands zoned Mixed Use Commercial Zone c5 (1) on Schedule 1.

PERMITTED USES

- (d) On the lands identified on Schedule 1, the only permitted uses shall be:
- (i) Residential: apartment house dwellings, including private recreational amenity areas and accessory uses and live work units.
 - (ii) Commercial: restaurants, retail stores, personal service shops, office, public parking lot, and banks.
 - (iii) Temporary sales office.

EXCEPTION REGULATIONS

LOT COVERAGE

- (e) A maximum lot coverage of 65 percent shall be permitted. The lot for the purpose of calculating Lot Coverage shall be based upon the lands shown on Schedule 1 attached to this by-law.

YARD SETBACKS AND DISTANCE TO BUILDINGS

- (f) Notwithstanding section 27(4)(a), the minimum yard setbacks shall be as shown on Schedule C5(1)A, C5(1)B and C5(1)C.

BUILDING HEIGHT

- (g) Notwithstanding section 27(5)(a), 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 C5(1)C of this By-law.
- (h) Elements for the functional operation of the building may exceed the maximum building height shown on Schedule C5(1)C by a maximum 6.0 metres provided such enclosures are located within the area shown as 'Mechanical Penthouse' on Schedule C5(1)C, and shall include such mechanical elements as boilers, tanks, air intakes, generators, elevator equipment, exit stairs, elevator lobby, and elevator shafts, as well as architectural features including screen walls, parapets and architectural articulations.
- (i) The rooftop outdoor recreational amenity area may exceed the maximum building height shown on Schedule C5(1)C by a maximum 6.0 metres provided it is located within the area shown as 'Rooftop Amenity Area' on Schedule C5(1)C.
- (j) A penthouse or a roof structure which is used only as an ornament or to house the mechanical equipment or elevator equipment of the building does not constitute a storey for the purposes of this by-law.
- (k) Except as provided herein, Section 2.10 shall continue to apply.

DENSITY

- (l) Notwithstanding section 27(6)(a), the maximum density permitted on the lands shall be 4.4 times the area of the lot, outlined by heavy black lines on Schedule 1.

ENCROACHMENTS

- (m) Despite paragraph (g) and in addition to the projections permitted by Section 6(9) (Permitted Projection into Minimum Yard Setbacks), each of the following structures shall be permitted to project into the setbacks shown on Schedule C5(1)C:
 - (i) a balcony that overhangs may project horizontally a maximum of 1.8 metres from the wall(s) to which it is attached, this does not apply to balconies, architectural features and canopies located on top of the building (i.e. a balcony above a floor below);
 - (ii) ramps;
 - (iii) public art;
 - (iv) a railing; and,
 - (v) patios, verandahs or porches.

MAXIMUM GROSS FLOOR AREA

- (n) The maximum gross floor area permitted shall not exceed 16,400 square metres.

NUMBER OF DWELLING UNITS

- (o) A maximum number of 218 dwelling units shall be permitted.

INDOOR AND OUTDOOR AMENITY AREA

- (p) A minimum of 2 square metres per dwelling unit of indoor amenity shall be provided and a minimum of 2 square metres per dwelling unit of outdoor amenity shall be provided.

PARKING

- (q) The minimum parking spaces shall be calculated in accordance with the following:

Residential

- 0.70 spaces per 1-Bedroom dwelling unit.
- 0.90 spaces per 2-Bedroom dwelling unit.
- spaces per 3-Bedroom dwelling unit.

Visitors

- 0.10 spaces per dwelling unit.

Non-residential

- 0 parking for non-residential is to be shared with residential visitor parking spaces

LOADING SPACE DIMENSIONS

- (r) Notwithstanding Section 6A(16)(a) and (b), the minimum number is 1 loading space and the dimensions are 4.0 metres x 13.0 metres and a minimum vertical clearance of 6.1 metres, and may extend beyond the rear main wall of a building by a maximum of 0.7 metres.
- (s) Notwithstanding Section 6A(16)(d) the slope of the access to the loading area will have a 1 percent slope dimension.

DIVISION OF LANDS

- (t) Notwithstanding any severance, or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the lands.

SECTION 37 AGREEMENT

- (u) In order to permit an increase in the maximum gross floor area cited in clause 2(n) of this exception, the owner of the Lands shall enter into and register against title to the Lands an agreement or agreements pursuant to Section 37 of the Planning Act securing the provision of the following facilities, services or matters, to the satisfaction of the Director North York Community Planning and the City Solicitor: Please refer to Schedule A.

EXEMPTIONS

- (v) The following sections of By-law 7625 shall not apply:
- (i) The provisions of 22(10) (Gross Floor Area);
 - (ii) The provisions of Section 27(4)(a) (Yard Setbacks);
 - (iii) The provisions Section 27(5)(a) (Building Height);
 - (iv) The provisions Section 27(6)(a) (Density);
 - (v) The provisions of Section 6(9) (Permitted Projection into Minimum Yard Setbacks); and
 - (vi) The provisions of Section 6A(2) (Parking Requirements).

Enacted and passed on July 29, 2020.

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 Schedule 1 in 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 a foundation permit the owner shall pay to the City a cash contribution in the amount of \$300,000.

The \$300,000 cash contribution is to be indexed upwardly in accordance with the Statistics Canada Non Residential Construction Price Index for the Toronto Census Metropolitan Area, measuring change over time in the prices that contractors charge to construct non-residential buildings as reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of execution of the Section 37 Agreement to the date the payment is made.

- (2) Prior to issuance of the first above grade building permit, other than building permit for a temporary sales office/pavilion, the owner shall pay to the City a cash contribution in the amount of \$421,050.

The \$421,050 cash contribution is to be indexed upwardly in accordance with the Statistics Canada Non Residential Construction Price Index for Toronto Census Metropolitan Area, measuring change over time in the prices that contractors charge to construct non-residential buildings as reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of execution of the Section 37 Agreement to the date the payment is made.

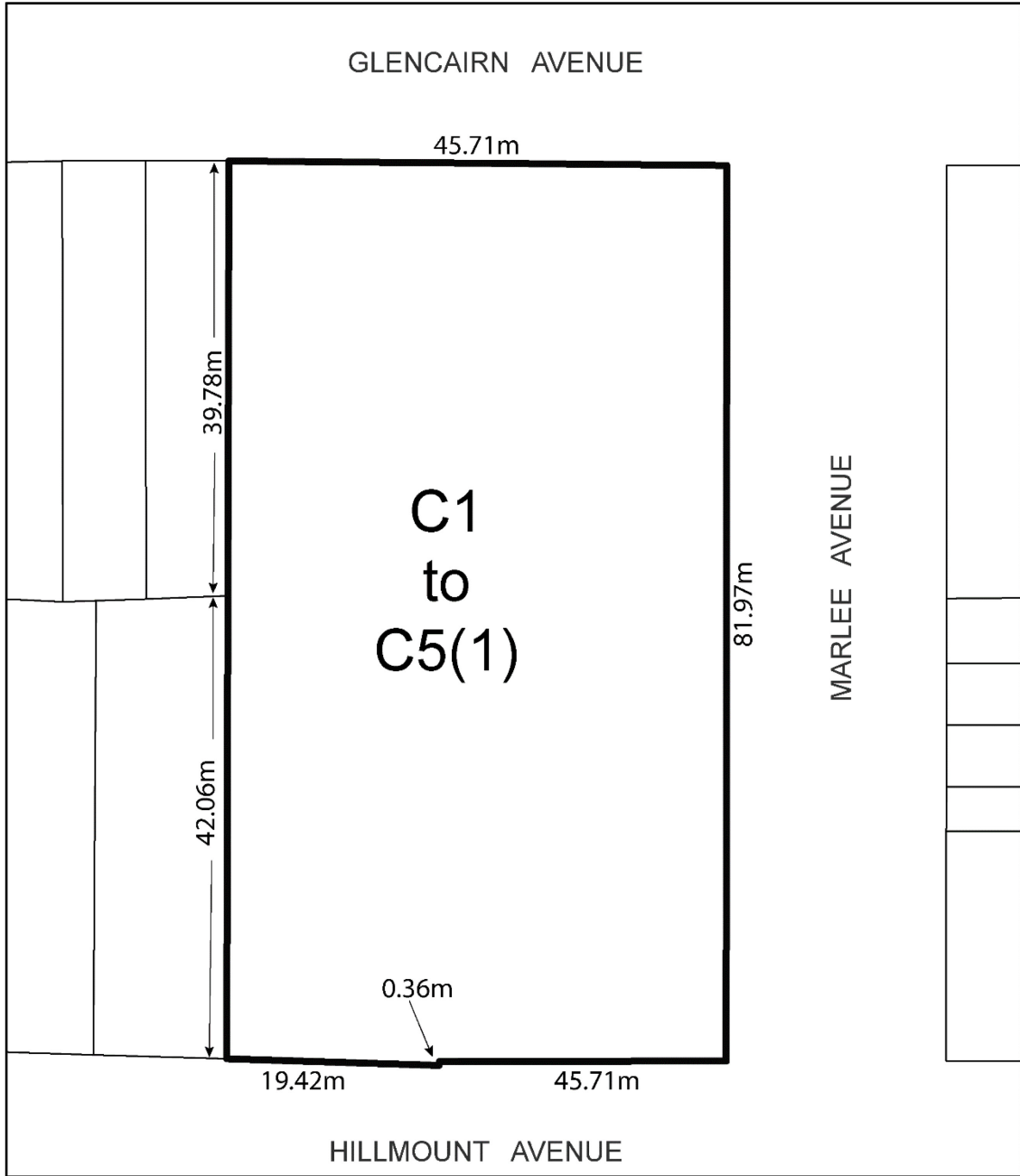
- (3) The amounts secured in (1) and (2) above will be used towards the following community benefits:

- a. expansion and/or improvements to local parks within the Ward to the satisfaction of the General Manager, Parks, Recreation and Forestry and in consultation with the local Councillor;
- b. streetscaping and public realm improvements nearby the site, within the Ward in accordance with the Streetscape Manual to the satisfaction of the Chief Planner and Executive Director, City Planning, and in consultation with the local Councillor; and/or
- c. a community facility or improvements to existing local community facilities within the Ward, to the satisfaction of the Chief Planner and Executive Director, City Planning and in consultation with the local Councillor.

- (4) In the event the cash contributions referred to in (1) and (2) above have not been used for the intended purposes within three (3) years of the implementing Zoning By-law Amendment coming into full force and effect, the cash contribution may be redirected

for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the local Councillor, provided that the purposes are identified in Toronto's Official Plan and will benefit the community in the immediate vicinity of the Lands.


- (5) Prior to the issuance of the first above grade building permit, other than a building permit for a temporary sales office/pavilion, the owner shall post a letter of credit with the City in the amount of \$2,178,950 in a form acceptable to the Deputy City Manager and the Chief Financial Officer and Treasurer. The Letter of Credit will be delivered directly to the City's General Manager, Parks, Forestry and Recreation. The Letter of Credit will be used to secure the owner's commitments to the City regarding Cash Contributions and the Conveyance of Parkland in accordance with the terms of provisions set out in Section 3 and in Section 4 of the Section 37 Agreement.
- (6) The owner shall provide the following legal conveniences to support the development of the lands;
 - a. The provision of one bike repair stand with the location to be determined during the review of the Site Plan Control application;
 - b. The provision of one car share space that is publically accessible, with the location to be determined during the review of the Site Plan Control application;
 - c. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by City Council and as may be amended from time to time; and
 - d. Prior to the issuance of the first above grade building permit the owner will provide written confirmation from the City's Chief Engineer and Director, Engineering and Construction Services that the required Capital Infrastructure Improvements at Viewmount Park (Project # 17-05) to replace the sanitary sewer, including the installation of two storage box culverts with dimensions of 2400x1200 millimetres and 3000 x 900 millimetres has been completed to the satisfaction of the City's Chief Engineer and Director, Engineering and Construction Services.

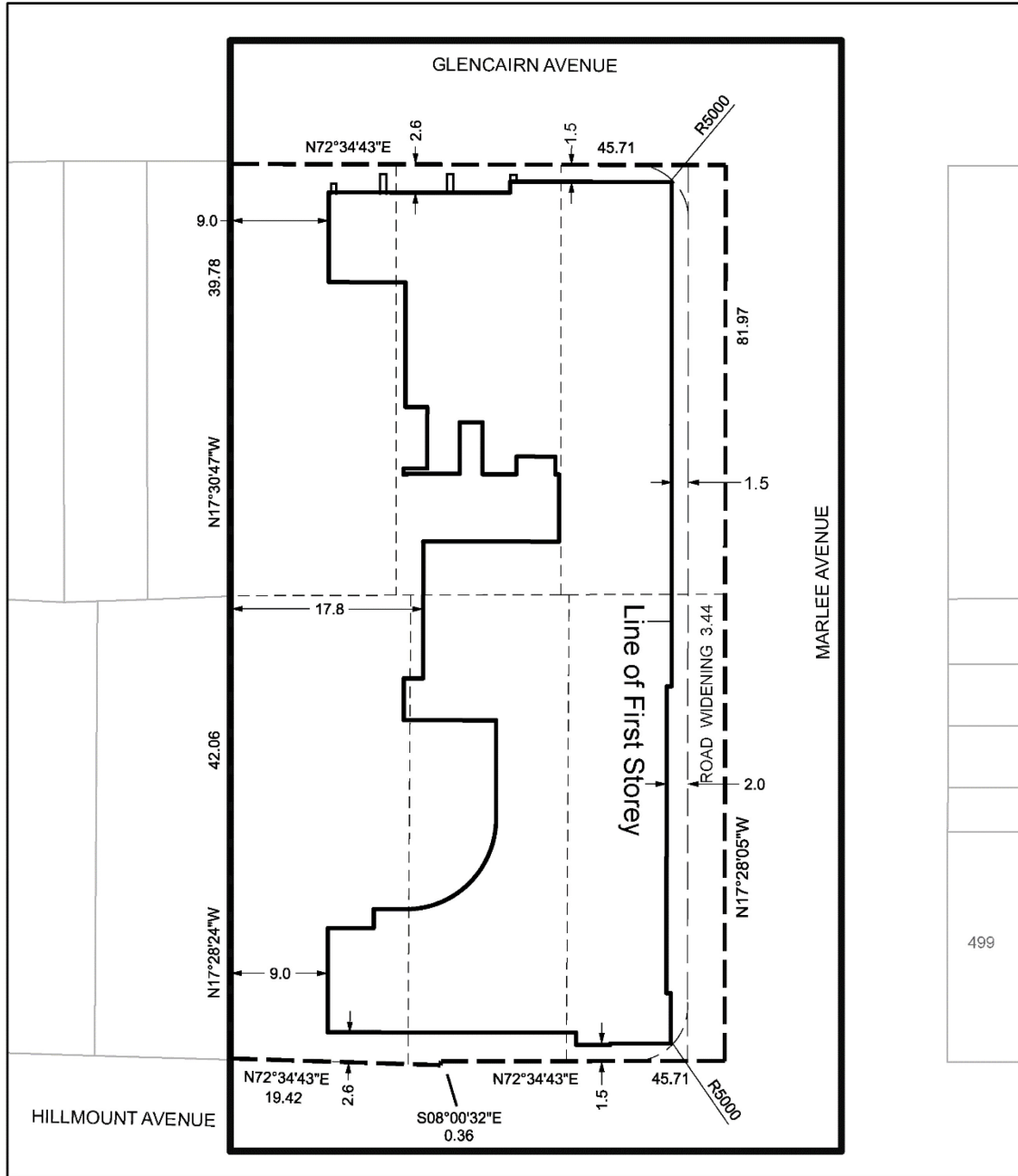


 **TORONTO**
Schedule 1

831-837 Glencairn Avenue
278-282 Hillmount Avenue

File # 18 185562 NNY 15 0Z


Former City of North York By-law 7625
Not to Scale
05/26/2020



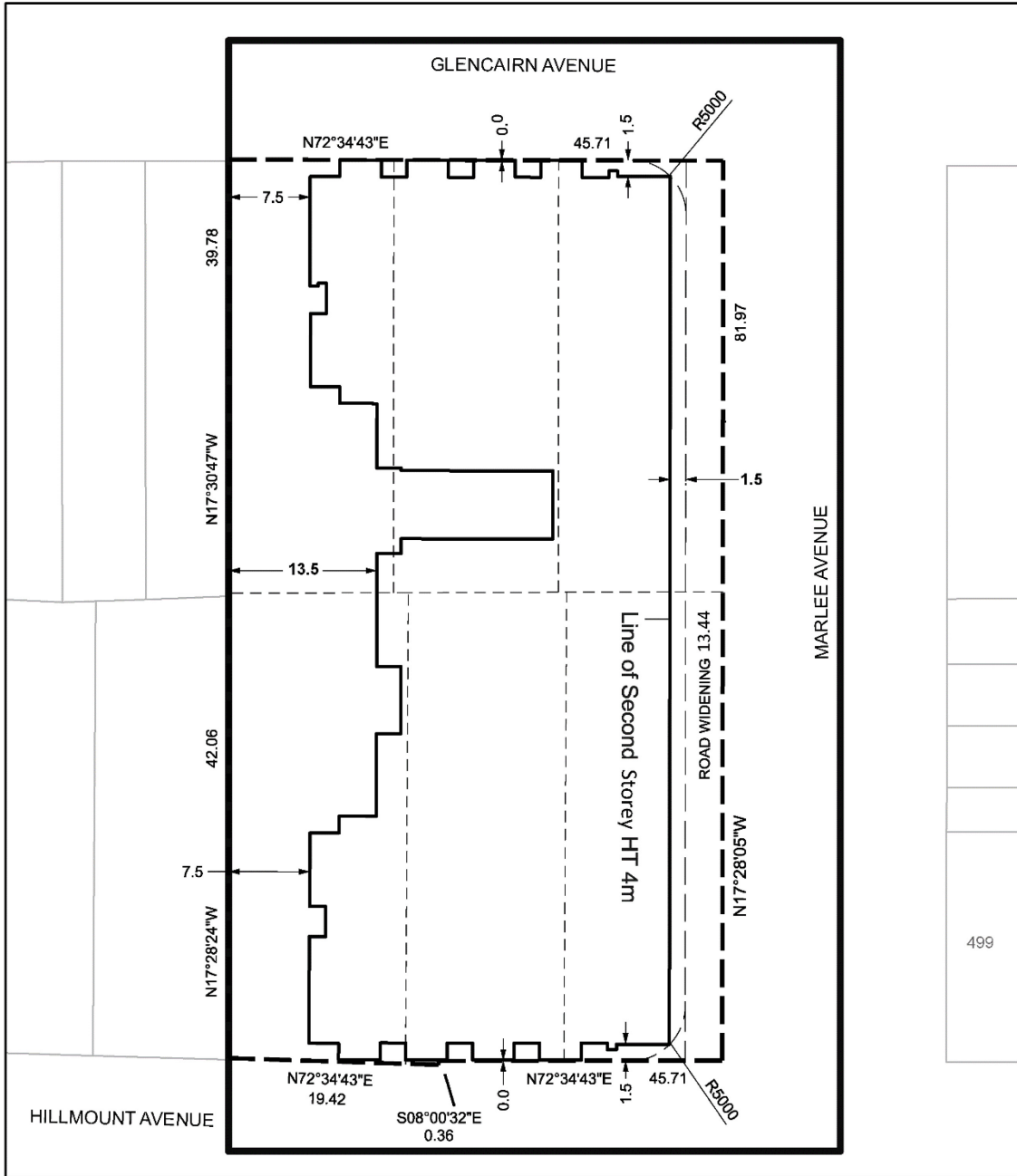
TORONTO
 Schedule C5(1)A

831-837 Glencairn Avenue
278-282 Hillmount Avenue

File # 18 185562 NNY 15 0Z

Line of First Storey

Former City of North York By-law 7625
 Not to Scale
 06/19/2020



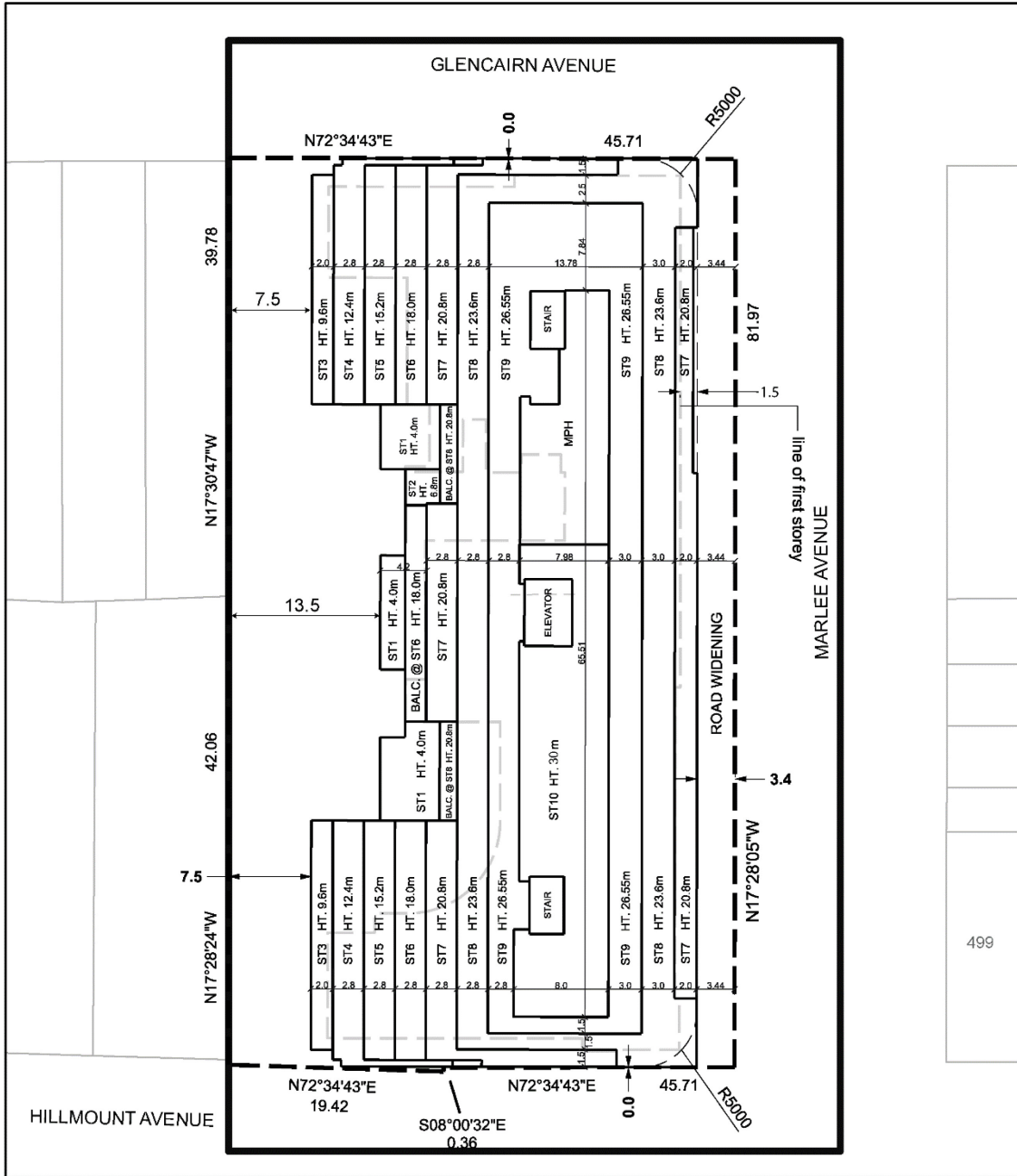
TORONTO
 Schedule C5(1)B

831-837 Glencairn Avenue
278-282 Hillmount Avenue

File # 18 185562 NNY 15 0Z

Line of Second Storey

Former City of North York By-law 7625
 Not to Scale
 05/26/2020



TORONTO
 Schedule C5(1)C

831-837 Glencairn Avenue
278-282 Hillmount Avenue

File # 18 185562 NNY 15 0Z

Former City of North York By-law 7625
 Not to Scale
 06/19/2020