

Authority: North York Community Council
Item NY11.1, as adopted by City of Toronto
Council on December 17 and 18, 2019

CITY OF TORONTO

BY-LAW 617-2020

To amend the City of Toronto Zoning By-law 569-2013 in respect of lands municipally known as 831, 833 and 837 Glencairn Avenue and 278, 280, and 282 Hillmount Avenue.

Whereas Council of the City of Toronto has the authority to 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 No. 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 No. 569-2013, Chapter 800 Definitions.

3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR1.0(c1.0;r1.0) SS3 (x250) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number (250) so that it reads:

Exception CR 250

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 831, 833 and 837 Glencairn Avenue and 278, 280, and 282 Hillmount Avenue, if the requirements of Section 5 and Schedule A of By-law 617-2020 are complied with, the erection or use of a **building, structure**, addition or enlargement is permitted in compliance with (B) to (O) below.
- (B) Despite regulations 40.5.40.10(1) and (2), the height of a **building or structure** is measured between the Canadian Geodetic Datum elevation of 175.25 metres and the highest point of the **building or structure**.
- (C) Despite regulation 40.5.40.10(4), the height of elements for the functional operation of a **building**, such as mechanical equipment, air units, boilers generators, elevator equipment, tanks, and other architectural features including screen walls, parapets and architectural articulations may exceed the permitted maximum height for that **building** by 6 metres.
- (D) Despite regulation 40.10.30.40(1), the permitted maximum **lot coverage** is 65 percent, based upon the lands outlined in Diagram 1.
- (E) Despite regulation 40.10.40.1(1), residential use portions may be permitted on the ground floor of a **mixed use building**.
- (F) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** is 16,400 square metres, of which a minimum of 360 square metres of commercial **gross floor area** on the first **storey** of the **building** abutting Marlee Avenue is required.
- (G) Despite regulation 40.10.40.10(3), the permitted maximum height is shown in metres after the letters "HT" on Diagram 5 attached to By-law 617-2020.
- (H) Despite regulation 40.10.40.10(7), the permitted maximum number of **storeys** is shown after the letters "ST" on Diagram 5 attached to By-law 617-2020. Elements for the functional operation of a building, such as mechanical equipment, air units, boilers generators, elevator equipment, tanks, and other architectural

features including screen walls, parapets and architectural articulations shall not constitute a storey for the purposes of this By-law 617-2020.

- (I) Despite regulation 40.10.40.40(5), the required minimum height of the first **storey** is 4.0 metres, except for internal amenity space, which shall have a minimum ceiling height of 3 metres.
- (J) Despite Clause 40.10.40.70, the required minimum **building setbacks** are as shown in metres on Diagrams 3, 4, and 5 attached to By-law 617-2020.
- (K) A maximum of 218 **dwelling units** are permitted, of which a minimum of 17 **dwelling units** must have three bedrooms.
- (L) Despite Clause 200.5.10.1, **parking spaces** for **dwelling units** must be provided at a minimum rate of:
 - i. 0.70 spaces per 1- Bedroom unit;
 - ii. 0.90 spaces per 2 – Bedroom unit;
 - iii. 1.00 spaces per 3-bedroom unit; and
 - iv. 0.10 visitor spaces per **dwelling unit**.
- (M) **Parking spaces** for **non-residential uses** may be combined with the visitor **parking spaces** required for **dwelling units**.
- (N) Despite regulation 40.10.90.10(1), a loading space is permitted in a rear yard abutting a Residential Zone category provided the loading space is setback a minimum of 9.0 metres from a lot in the Residential Zone category.
- (O) Despite regulation 40.10.50.10(1)(B), a minimum 3.0 metre wide strip of landscaping is required between the main wall of the building and the front lot line abutting a street prior to the conveyance of any required road widening.

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 1 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.

- (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 are satisfied.

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 Diagram 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.

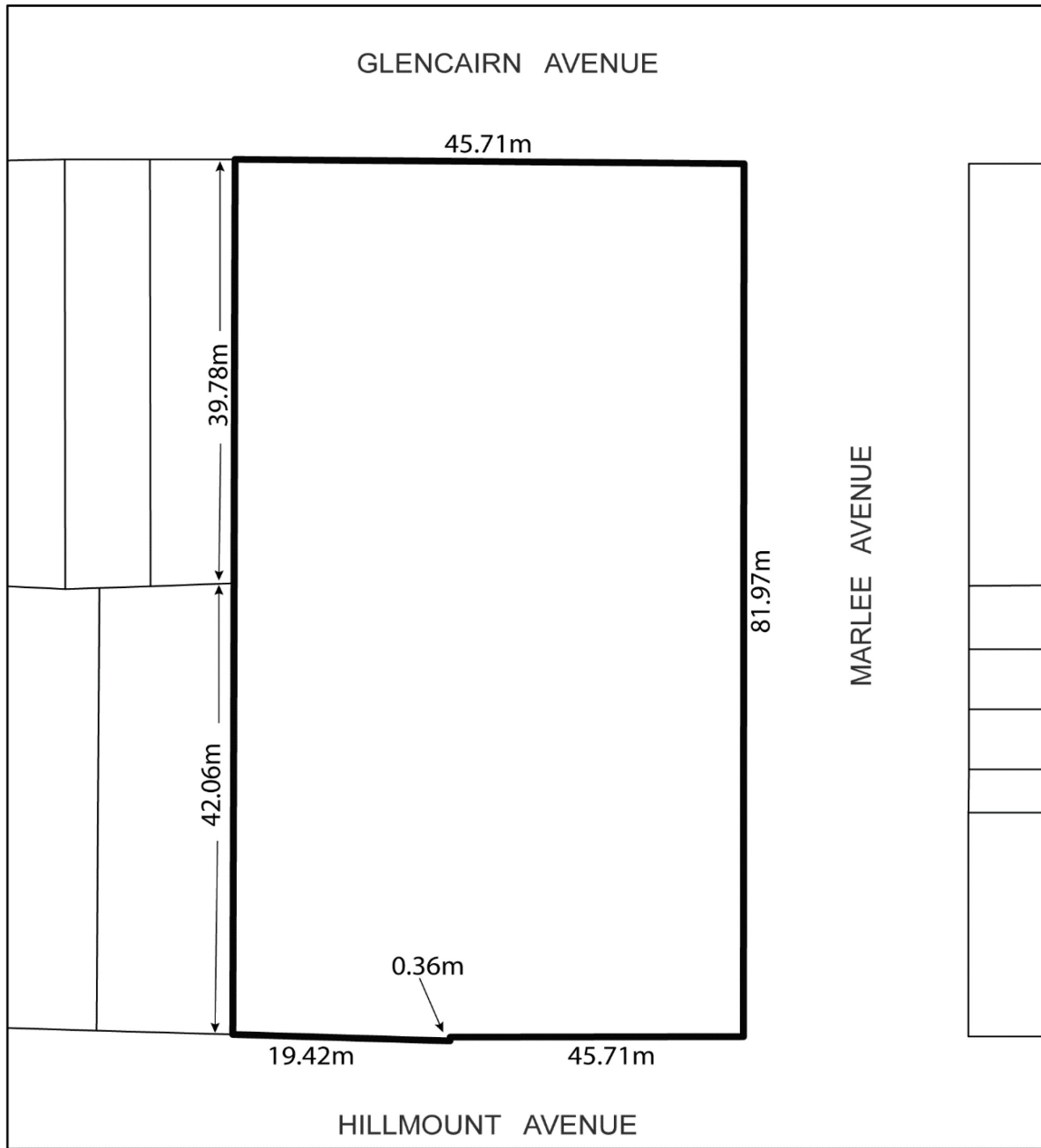
- (3) The amounts secured in (1) and (2) above will be used towards the following community benefits:

- 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.

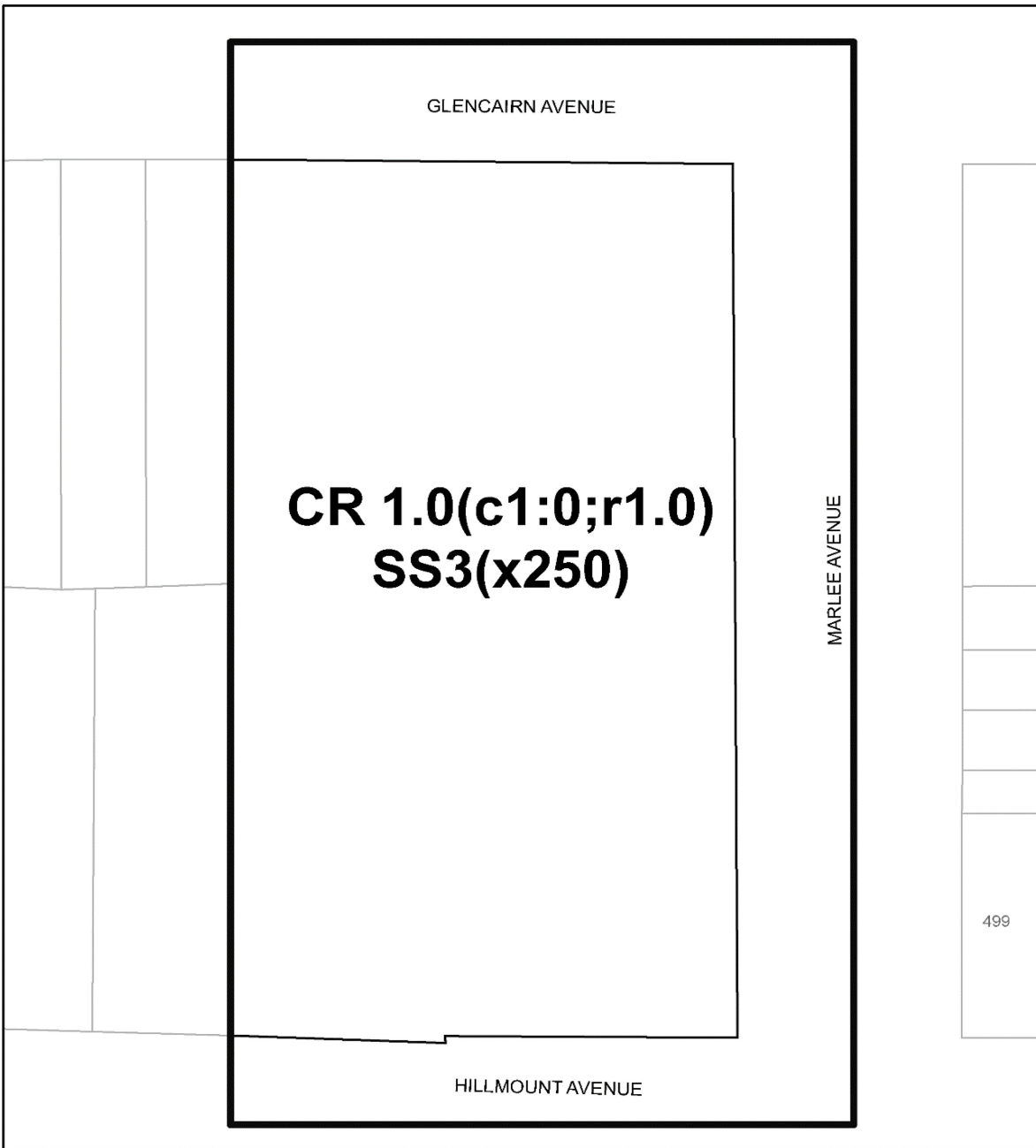
- (5) Prior to the issuance of the first above grade building permit, other than a building permit for a temporary sales office/pavilion, the owner shall post a letter of credit with the City in the amount of \$2,178,950 in a form acceptable to the Deputy City Manager and the Chief Financial Officer 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**
Diagram 1

831-837 Glencairn Avenue
278-282 Hillmount Avenue

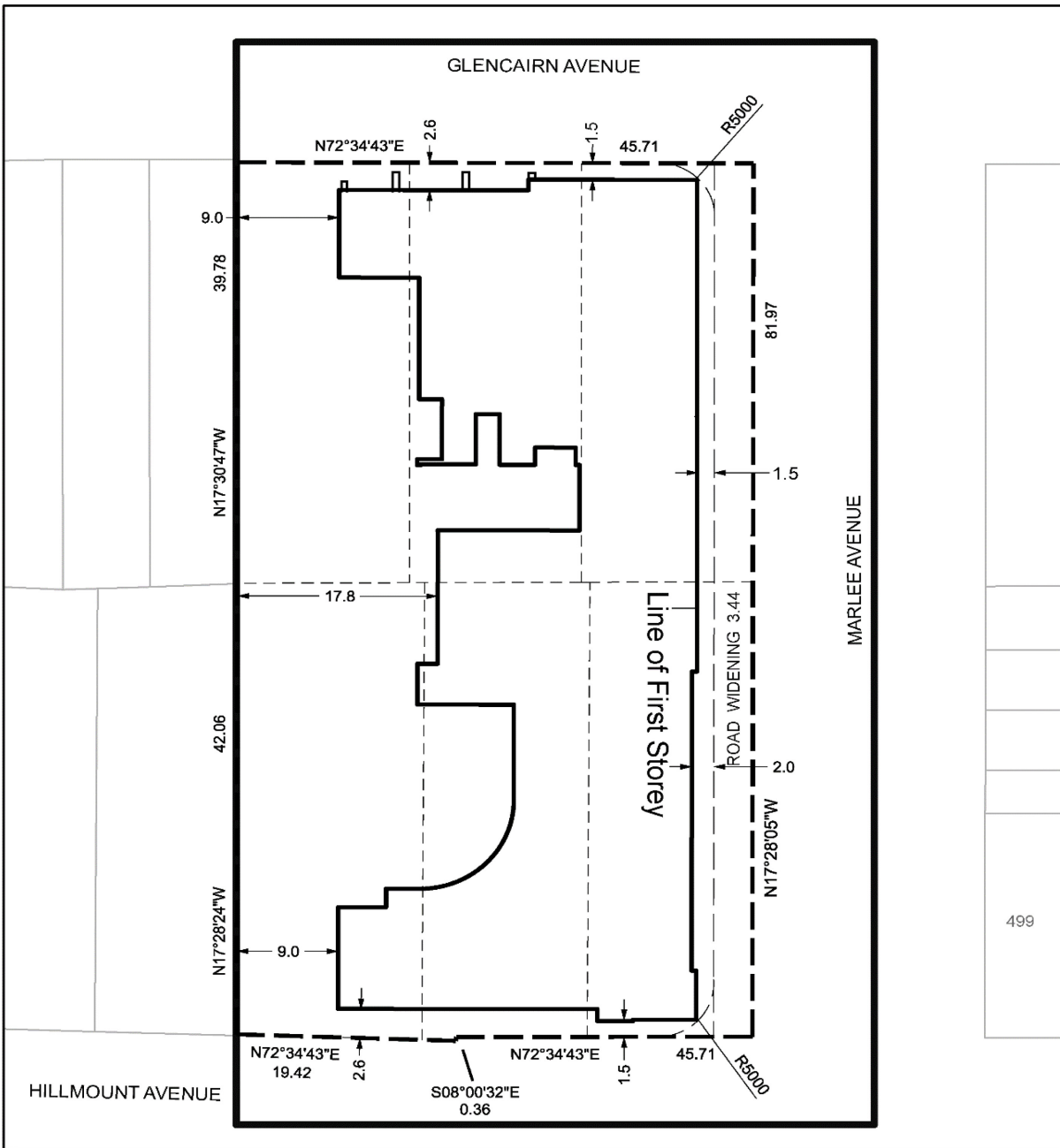
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 **TORONTO**
Diagram 2

831-837 Glencairn Avenue
278-282 Hillmount Avenue

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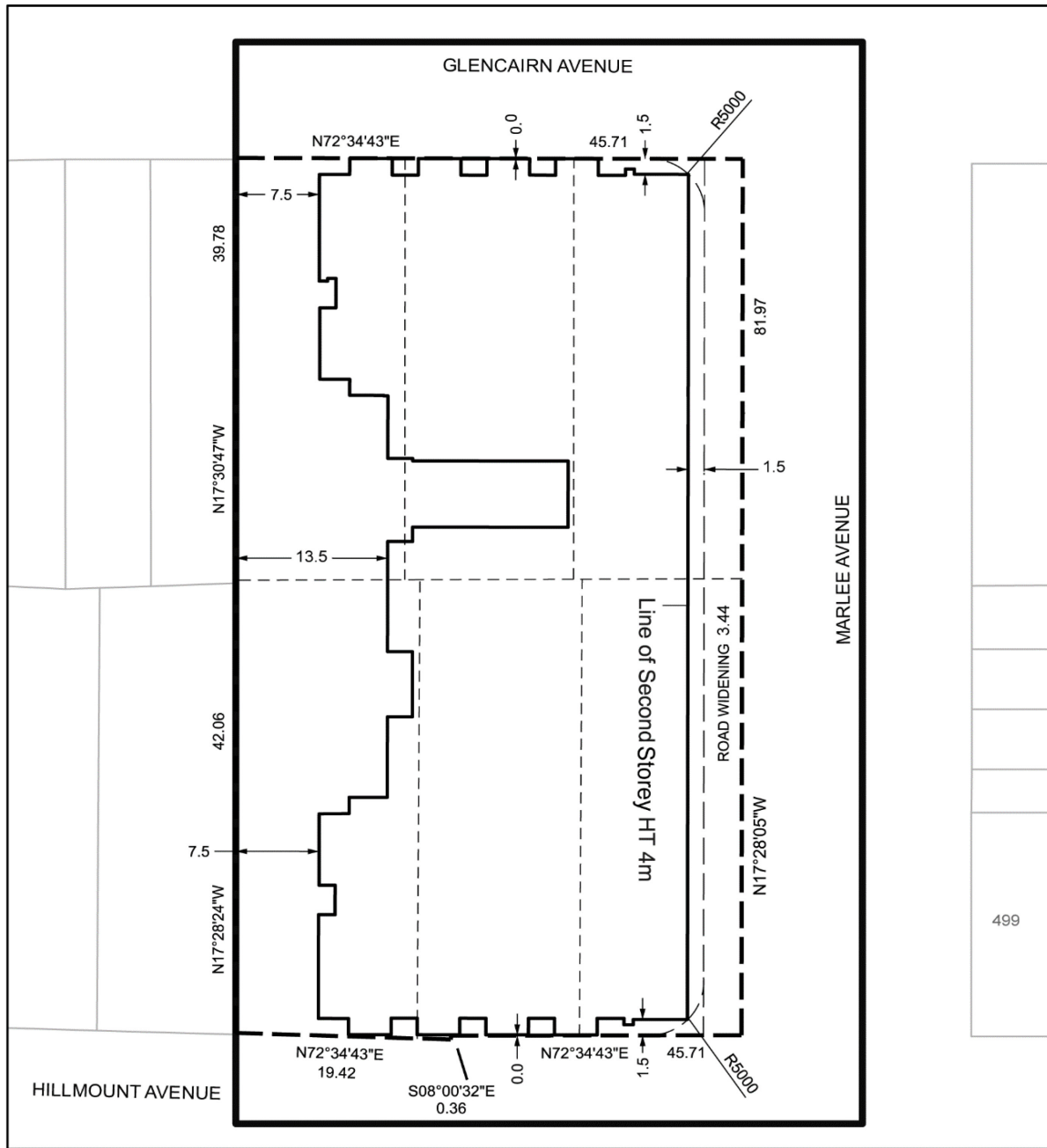
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Diagram 3

831-837 Glencairn Avenue
278-282 Hillmount Avenue

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Line of First Storey

City of Toronto By-law 569-2013
Not to Scale
11/13/2019



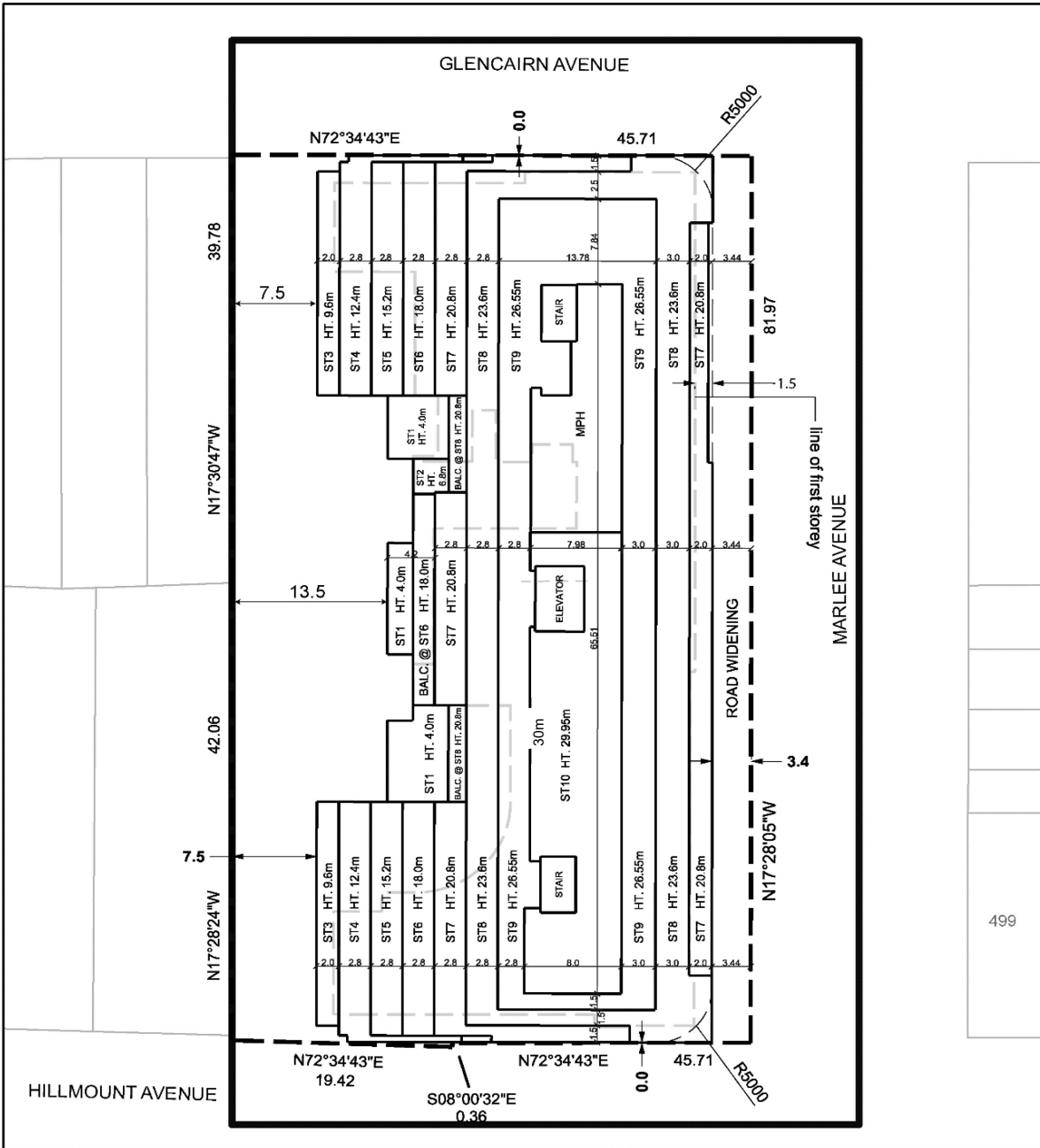
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 Diagram 4

831-837 Glencairn Avenue
278-282 Hillmount Avenue

File # 18 185562 NNY 15 0Z

Line of Second Storey

City of Toronto By-law 569-2013
 Not to Scale
 11/13/2019



TORONTO
 Diagram 5

831-837 Glencairn Avenue
278-282 Hillmount Avenue

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