

Authority: Ontario Land Tribunal Decision issued on November 24, 2017, Ontario Land Tribunal Order issued on July 24, 2019 and Ontario Land Tribunal Order issued on August 11, 2022 in File PL151148

CITY OF TORONTO

BY-LAW 1203-2022(OLT)

To amend former City of North York Zoning By-law 7625, as amended, with respect to the lands municipally known in the year 2021 as 491 Glencairn Avenue and 278, 280 and 282 Strathallan Wood.

Whereas the Ontario Land Tribunal, by its Decisions/Orders issued on November 24, 2017, July 24, 2019 and August 11, 2022 in File PL151148 approved amendments to the former City of North York By-law 7625, as amended, with respect to the lands municipally known as 491 Glencairn Avenue and 278, 280 and 282 Strathallan Wood; 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 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 Ontario Land Tribunal orders as follows:

1. Schedules "B" and "C" of By-law 7625 of the former City of North York are amended in accordance with Schedule 1 of this By-law.
2. Section 64.23 of By-law 7625 is amended by adding the following subsection:

64.23 (149) C1(149)**DEFINITIONS**

- a. For the purposes of this exception, "Accessible Parking Space" shall mean a parking space that is minimum of 3.4 metres in width, 5.6 metres in length and has a vertical clearance of 2.1 metres. The entire length of an accessible parking space must be adjacent to a 1.5 metre wide accessible barrier free aisle or path.
- b. For the purposes of this exception, "Bicycle Parking Space" shall mean an area used for the purpose of parking or storing a bicycle, and may be provided in a horizontal, vertical, or stacked orientation.
- c. 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.
- d. For the purposes of this exception, "short term" Bicycle Parking Spaces" shall mean a Bicycle Parking Space for use by visitors to a building.
- e. For the purposes of this exception, "Established Grade" shall mean a Canadian Geodetic Datum of 178.65 metres.
- f. For the purposes of this exception, "Gross Floor Area" shall mean 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, but excluding:
 - i. parking, loading and bicycle parking below-ground, including areas used for a public parking lot or public parking structure;
 - ii. required loading spaces at the ground level and required 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 required by this By-law for required bicycle parking spaces;
 - v. indoor Recreational Amenity Area;
 - vi. elevator shafts;
 - vii. garbage shafts;
 - viii. mechanical penthouse; and
 - ix. exit stairwells in the building.

- g. For the purposes of this exception, "Building Height" shall mean the vertical distance measured in metres between "Established Grade" and the highest point of the building.
- h. For the purposes of this exception, "Mixed Use Building" means a building containing a non-residential use and more than four (4) dwelling units each having access from an internal corridor system or direct access from outside or any combination thereof.
- i. For the purposes of this exception, "Public Parking" means a portion of a building used for the parking of one or more vehicles as a principal use, and the parking of a vehicle is available with or without a fee.
- j. For the purposes of this exception, "Parking Space" means a parking space that is a minimum of 2.6 metres in width, 5.6 metres in length and has a vertical clearance of 2.0 metres. The minimum width must be increased by 0.3 metres for each side of the parking space that is obstructed.
- k. For the purposes of this exception, "Recreational Amenity Area" shall mean indoor or outdoor space on a lot that is communal and available for use by the occupants of a building on the lot for recreational or social activities.
- l. For the purposes of this exception, "Type 'G' Loading Space" means a loading space that is a minimum of 4.0 metres wide, 13.0 metres long and has a minimum vertical clearance of 6.1 metres.
- m. For the purposes of this exception, "Lot" means the lands zoned C1 (149).

PERMITTED USES

- n. In addition to those uses listed in Section 23.1 – Uses Permitted, the following use shall be permitted on the lands shown on Schedule C1(149):
 - i. A Mixed Use Building and uses accessory thereto;
 - ii. Public Parking.

EXCEPTION REGULATIONS

GROSS FLOOR AREA

- o. The total Gross Floor Area of all buildings and structures on the Lot shall not exceed 10,700 square metres, of which a minimum of 400 square metres of non-residential Gross Floor Area on the first storey of the building is required;

BUILDING HEIGHT

- p. The maximum Building Height of any portion of a building or structure in metres shall not exceed that shown on Schedule C1(149) attached to and forming part of this by-law, exclusive of all accessory components such as but not limited to:
- i. mechanical equipment, elevator overruns, and stair overruns, and a fence, wall or structure enclosing such elements, all of which may project up to 5 metres, within the areas labelled 'MPH' on Schedule C1(149);
 - ii. lighting fixtures, trellises, window washing equipment, landscape elements (including green roofs), flues, vents, stacks, chimneys, heating, cooling or ventilating equipment or a fence, wall or structure enclosing such elements, all of which may project up to 5 metres;
 - iii. wind or privacy screens, architectural decorative elements, sukkahs, outdoor furniture, fences, all of which may project up to 3 metres;
 - iv. guardrails, balustrades, safety railings, bollards, wheel chair ramps, parapets, cornices, thermal insulation and roof ballast, access roof hatch, all of which may project up to 1.5 metres;

SETBACKS AND PERMITTED ENCROACHMENTS

- q. The required yard setbacks are shown on Schedule C1(149).
- r. The following elements are also permitted to encroach into the required minimum building setbacks shown on Schedule C1(149):
- i. brick piers, roof overhangs and cornices, canopies, awnings, chimneys, balconies, lighting fixtures, parapets, trellises, eaves, window sills, window washing equipment, guardrails, balustrades, safety railings, bollards, vents, fences, wind or privacy screens, landscape elements (including green roofs), terraces, decorative architectural features, elevator overruns, heating, cooling or ventilating equipment, pilasters and sills, all of which may project up to 2.0 metres; and

RECREATIONAL AMENITY

- s. Recreational Amenity Area must be provided at a minimum rate of 4.0 square metres for each Dwelling Unit, of which:
- i. At least 2.0 square metres for each dwelling unit is indoor Recreational Amenity Area
 - ii. At least 40.0 square metres is outdoor Recreational Amenity Area in a location adjoining or directly accessible to the indoor Recreational Amenity Area, and

- iii. No more than 25 percent of the outdoor component may be a green roof.

LOT COVERAGE

- t. The maximum lot coverage for all buildings is 77 percent.

PARKING

- u. Parking Spaces shall be provided on the Lot in accordance with the following:
 - i. Resident Parking Spaces for dwelling units in a Mixed Use Building must be provided at a minimum rate of:
 - a) 0.7 for each bachelor dwelling unit up to 45 square metres and 1.0 for each bachelor dwelling unit greater than 45 square metres;
 - b) 0.8 for each one-bedroom dwelling unit;
 - c) 0.9 for each two-bedroom dwelling unit;
 - d) 1.1 for each three or more bedroom dwelling unit;
 - ii. Retail or Personal Service Shop Parking Spaces in a Mixed Use Building must be provided at a minimum rate of 1.0 spaces per 100 square metres of gross floor area;
 - iii. Resident Parking Spaces for dwelling units in a Mixed Use Building must be provided at a maximum rate of:
 - a) 1.0 for each bachelor dwelling unit up to 45 square metres and 1.3 for each bachelor dwelling unit greater than 45 square metres;
 - b) 1.2 for each one-bedroom dwelling unit;
 - c) 1.3 for each two-bedroom dwelling unit;
 - d) 1.6 for each three or more bedroom dwelling unit;
 - iv. Visitor Parking Spaces for dwelling units in a Mixed Use Building must be provided at a minimum rate of:
 - a) 0.1 for each dwelling unit, which shall be rounded down to the nearest whole number; and
 - v. No Parking Spaces are required for non-residential uses;
 - vi. A maximum of 4.0 Parking Spaces per 100 square metres of gross floor area shall be provided for retail or personal service uses;

- vii. Accessible Parking Spaces shall be provided in accordance with the following minimum requirements:
 - a) 5 accessible spaces plus 1 space for every 50 parking spaces in excess of 100 parking spaces are required to be dedicated as accessible spaces;
- v. Despite Section 6(A)(3), a maximum of 10 parking spaces may have minimum dimensions of 5.6 metres by 2.6 metres with a height of 2.0 metres, when obstructed on one side;
- w. Parking spaces for non-residential uses and for residential visitors to a dwelling unit may be provided on a non-exclusive basis and may be located in a Public Parking area.

LOADING

- x. One (1) Type G Loading Space shall be provided on the Lot.

BICYCLE PARKING

- y. A minimum of 1.0 Bicycle Parking Space per dwelling unit shall be provided on the Lot, of which a minimum of 0.9 Bicycle Parking Spaces per dwelling unit shall be "long term" Bicycle Parking Spaces.

EXCLUSIONS

- z. The provisions of Sections 6(A)(2), 6(A)(5)(b)(vi), 6(A)(6)(g), 6(A)(16)(a), 6(A)(16)(b), 6(A)(16)(c)(ii), 6(A)(16)(d)(iv), 6(9), 22.10, 23.2.1, 23.2.2, and 23.2.4 of By-law 7625 shall not apply.

SEVERANCE

- aa. Notwithstanding any existing or future severance or division of the lands subject to this exception, the regulations of the exception shall continue to apply to the whole of the lands.

CONSTRUCTION

- bb. Within the lands shown on Schedule C1(149), no building or structure, except for below grade construction or foundations, may be erected or used on the lands unless:
 - i. The lands abut an existing street, or are connected to an existing street by a street or streets constructed to a minimum base curb and base asphalt or concrete; and

- ii. All Municipal water mains and Municipal sewers, and their appurtenances, are installed to a lot line of the property and are operational.

SECTION 37 PROVISIONS

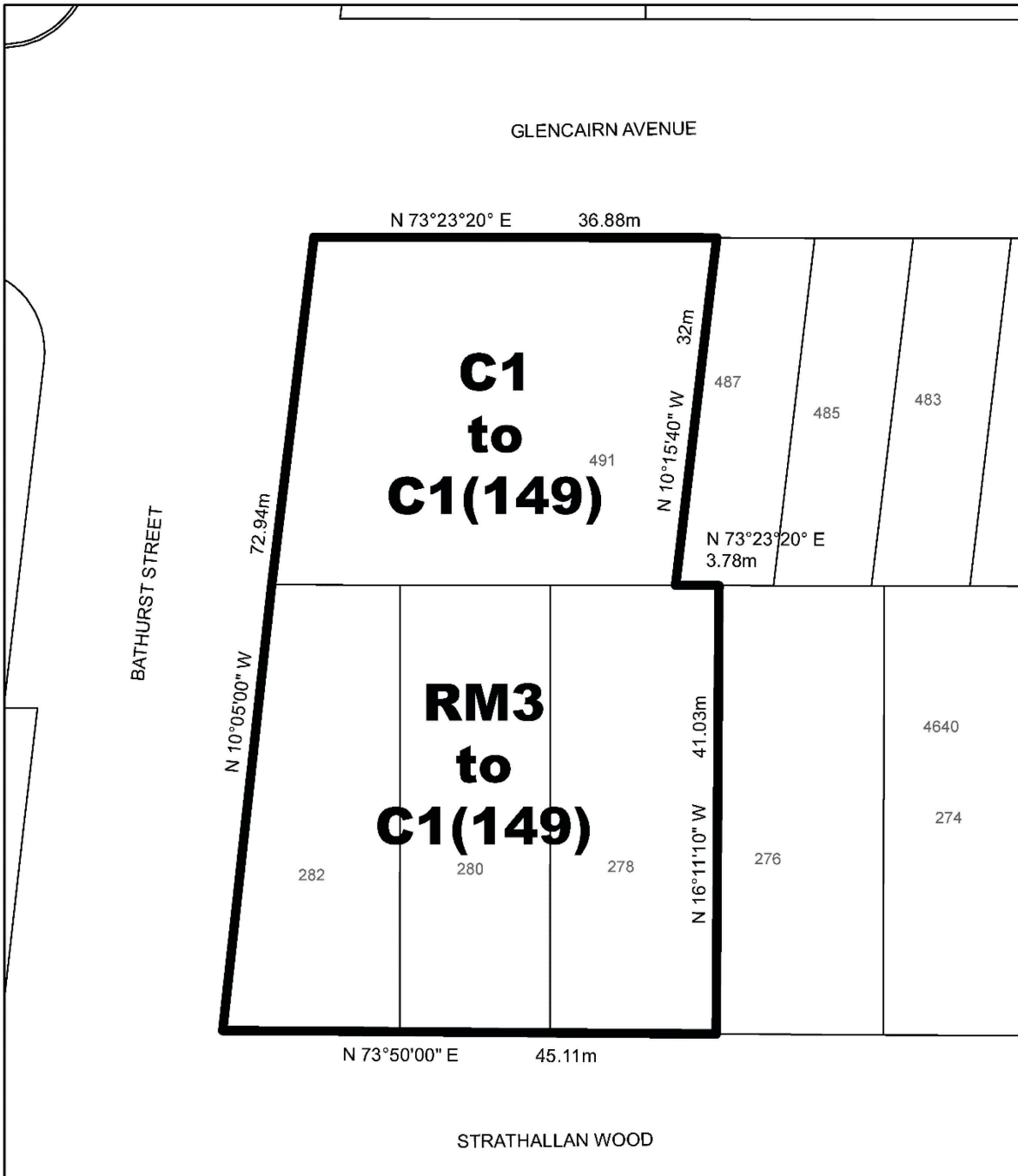
- cc. Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Schedule C1(149) of this By-law, in return for the provision by the owner, at the owner's expense of the facilities, service and matters set out in Schedule A to this By-law 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.
- dd. 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.
- ee. The owner must not use, or permit the use of, a building or structure erected with an increase in height and density unless the provisions of Schedule A of this By-law are satisfied.

Ontario Land Tribunal Decision issued on November 24, 2017, Ontario Land Tribunal Order issued on July 24, 2019 and Ontario Land Tribunal Order issued on August 11, 2022 in File PL151148.

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 shown in Schedule 1 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:


- i. A cash contribution of \$750,000.00 to be paid by the owner prior to the issuance of the first above-grade building permit for the proposed development and to be allocated towards local park improvements in Ward 8 and/or local area streetscape and public realm improvements along Bathurst Street, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
- ii. The \$750,000.00 cash contribution is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication 327-0058, or its successor, calculated from the date of the execution of the agreement to the date of payment, which date shall be prior to the issuance of the first above-grade permit for the proposed development; and
- iii. In the event the cash contribution referred to in Part i above has not been used for the determined purpose within three years of the amending Zoning By-law 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 Ward Councillor, provided the purpose is identified in Official Plan Policy 5.1.1 and will benefit the community in the vicinity of the lands;
- iv. The Owner shall construct and maintain the development in accordance with the Tier 1 performance measures of the Toronto Green Standard;
- v. The Owner shall make improvements along Glencairn Avenue, which include curb extensions/bump-outs and a minimum 2.1 metre-wide public sidewalk within the public boulevard; and
- vi. The Owner shall make intersection improvements at the north-east corner of Strathallan Wood and Bathurst Street to include curb extensions/bump-outs to increase pedestrian safety.

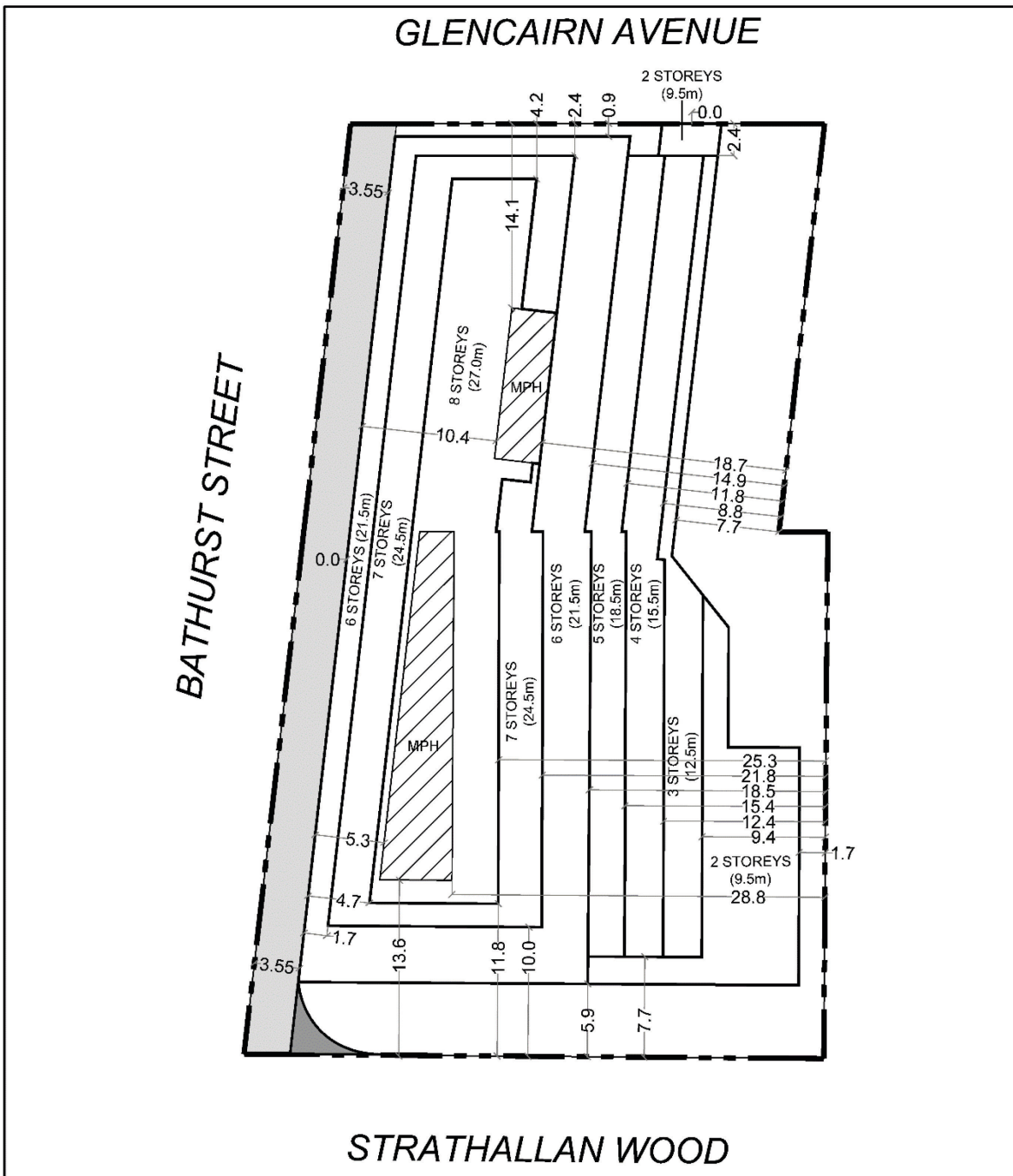


 **TORONTO**
Schedule 1

**491 Glencairn Avenue &
278, 280 & 282 Strathallan Wood Rd**

File #: 14 102565 NNY 16 02


Former City of North York By-law 7625
Not to Scale
02/05/2021




TORONTO
 Schedule C1(149)

**491 Glencairn Avenue &
 278, 280 & 282 Strathallan Wood Rd**

File #: 14 102565 NNY 16 02

- 3.55m Road Widening
- 6.0m Corner Road Widening


 Former City of North York By-law 7625
 Not to Scale
 02/23/2021