

**393, 395, 397, 399, 401 and 403 Spring Garden Avenue  
Official Plan and Zoning By-law Amendments and Site  
Plan Control Applications  
Final Report**

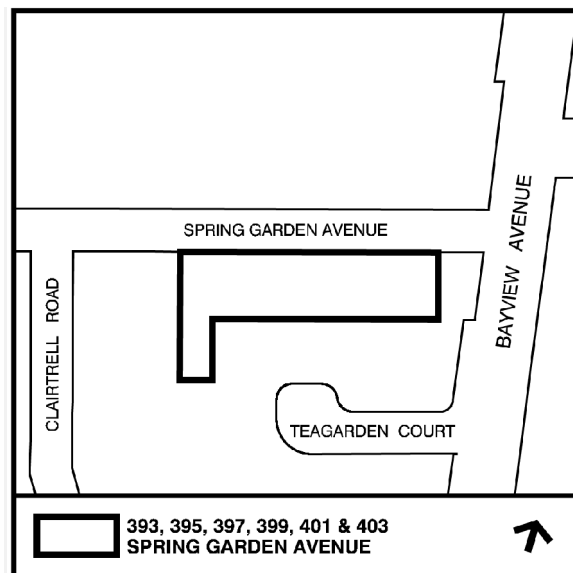
<b>Date:</b>	May 3, 2011
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 23 – Willowdale
<b>Reference Number:</b>	10 129149 NNY 23 OZ and 10 215618 NNY 23 SA

**SUMMARY**

This application proposes a 6 to 8 storey, 172 unit residential apartment building at a density of 3.3 times the area of the lot at 393-403 Spring Garden Avenue.

The proposed development meets the goals of the Official Plan and Sheppard East Subway Corridor Secondary Plan, and the development guidelines of the Clairtrell Area Context Plan. The proposed Official Plan and Zoning By-law Amendments provide for a mid-rise residential building in a key development area of the Sheppard Subway Corridor and provides an appropriate transition to the adjacent neighbourhood.

This report reviews and recommends approval of the application to amend the Official Plan and Zoning By-laws.



## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. City Council amend the Official Plan substantially in accordance with the draft Official Plan Amendment in Attachment No. 11.
2. City Council amend the former City of North York Zoning By-law No. 7625 as amended substantially in accordance with the draft Zoning By-law Amendment in Attachment 12.
3. City Council amend the new City of Toronto Zoning By-law No. 1156-2010 as amended substantially in accordance with the draft Zoning By-law Amendment in Attachment 13.
4. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendments as may be required.
5. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into a Section 37 Agreement to the satisfaction of the City Solicitor pursuant to Section 37 of the *Planning Act* to provide the following services, facilities or matters:
  - a. indoor recreational amenity area up to a maximum of 427 m<sup>2</sup>; and
  - b. a monetary contribution of up to \$475,054 which shall be used towards the cost of constructing and equipping a public community centre and/or social facility as identified in Section 4.3.3 of the Sheppard East Subway Corridor Secondary Plan, and in the form of a child care facility in Ward 23 as identified by Toronto Children's Services.
6. Before introducing the necessary Bills to City Council for enactment, require that the Site Plan Notice of Approval Conditions be issued, which among other matters will provide for a shared driveway access with the lands municipally known as 17-23 Clairtrell Road and 391 Spring Garden Avenue also proposed to be redeveloped.
7. City Council approve, in principle, the Site Plan Control application, subject to staff finalizing the draft conditions of Site Plan approval in Attachment 14.
8. City Council delegate back to the Chief Planner or his designate the authority to issue the Notice of Approval Conditions and final Site Plan approval generally in accordance with Attachment 14 and that final Site Plan Control Approval not be issued until the amending Zoning By-law is in effect.

## **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

The application was received on March 10, 2010 and on April 27, 2010 North York Community Council received a Preliminary Report on the Official Plan and Zoning By-law Amendment applications. Community Council directed that: City Planning staff schedule a community consultation with the Ward councillor; that an additional community consultation meeting be held with the immediately abutting landowners; and, that notice for this public meeting be given according to regulations under the *Planning Act*.

The Preliminary Report is at:

<http://www.toronto.ca/legdocs/mmis/2010/ny/bgrd/backgroundfile-28798.pdf>

## **ISSUE BACKGROUND**

### **Proposal**

The proposed development site presently consists of six lots with single detached houses on the south side of Spring Garden Avenue between Bayview Avenue and Clairtrell Road. The proposed 172 unit and 6 to 8 storey residential apartment building would have a gross floor area of 14,398 square metres on a 4,363 square metre lot, resulting in a density of 3.3 times the lot area.

The proposed building would have an overall height of 20.5 metres and 6 storeys above established grade at the west end of the building, and 24.5 metres and 7 storeys at the east end. Because the site has an approximately 4 metre west to east downward slope, the residential units at the east end of the building would have one below grade storey with walk-out patios. The result is that this portion of the building would have 8 storeys above the immediately adjacent grade. Building stepbacks at the 6<sup>th</sup> floor would provide for terraces, roof top amenity areas and a green roof. A 5 metre high mechanical penthouse is also proposed to be located in a central portion of the roof.

The proposed front yard setback is generally 3.8 metres from Spring Garden Avenue with a reduced setback of 2.2 metres at the main entrance. The proposed eastern and southern set backs are 6.0 metres from the property lines. In the case of the front yard, the main front lobby and each residential unit would be connected to a new public sidewalk. Units facing east and south would also have grade-related patios directly connected to a publicly accessible walkway that wraps around the entire building. A future public walkway along the south end of the site can be accommodated in the event the abutting lands on Teagarden Road redevelop.

The proposed building is setback 17.5 metres from the west property line. This setback would include a landscaped amenity area that also screens a proposed loading facility accessed from a shared driveway with the adjacent development at 17-23 Clairtrell and 391 Spring Garden Avenue.

A canopy-covered pedestrian entrance would be centrally located and accessed from the new Spring Garden Avenue sidewalk. The main vehicular access and passenger drop-off is proposed adjacent to the pedestrian entrance. A total of 195 parking spaces, including 17 spaces for visitors, are proposed in 2 ½ parking levels, with the half level in the west end of the building below the rising grade. In addition, 129 bicycle parking spaces are proposed, of which at least 75 spaces would be inside bicycle rooms accessible to the street level.

The proposed site plan is in Attachment 1. Elevations are in Attachments 2 and 3 and Attachment 10 provides detailed project data.

### **Site and Surrounding Area**

The subject lands are located in the quadrant north and west of Bayview Avenue and Sheppard Avenue West. The lands are located on the south side of Spring Garden Avenue between Clairtrell Road and Bayview Avenue and are currently occupied by six single storey detached houses that would be demolished for the development. The approximately 0.4 hectare site has 123 metres of frontage on Spring Garden Avenue, and a depth of 32 metres for the five eastern lots. The most westerly property has a depth of 61 metres. The grade slopes down from west to east.

Land uses surrounding the site are:

- North: St. Gabriel's Catholic School on the north side of Spring Garden Avenue.
- South: single detached houses on Teagarden Court and Church of the Incarnation.
- East: a single detached house on the southwest corner of Bayview Avenue and Spring Garden Avenue.
- West: Council approved 7-storey, 128-unit residential apartment building at the southeast corner of Clairtrell Road and Spring Garden Avenue.

### **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land and includes key objectives such as: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protection of natural systems. City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The subject lands are designated *Mixed Use Areas* in the City of Toronto Official Plan (Attachment 4) which provides for a broad range of residential and commercial uses. Development in these areas is to create an attractive and comfortable pedestrian environment with access to community facilities and nearby transit. New buildings are to be located and massed to adequately limit shadow impacts upon, and provide transition to, adjacent lower scale neighbourhoods. Sites are to have good access and circulation along with adequate parking, screened service and garbage areas, and indoor and outdoor recreation space for residents.

## **Sheppard East Subway Corridor Secondary Plan**

The subject lands are within one of the 'Key Development Areas' identified in the Sheppard East Subway Corridor Secondary Plan (Attachment 5). The Secondary Plan includes policies to provide transit-supportive development, and around the Bayview subway station node has specific policies for redevelopment in the 'Teagarden Court/Mallingham Court/Clairtrell Road Area'. This area is to be redeveloped primarily with residential uses and to achieve a density of 3 times the lot area plus specified density incentives. Comprehensive land assembly is encouraged to achieve this density and help evaluate and manage impacts on neighbouring residential uses. Redevelopment in this area should be sensitive to existing uses that remain in key development areas; and particular attention is to be given to shadow impacts from development on the south side of Spring Garden Avenue on the St. Gabriel's Catholic School yard to the north.

## **Clairtrell Area Context Plan**

The Secondary Plan indicates that 'Context Plans' may be prepared for comprehensive blocks illustrating how Secondary Plan principles can be addressed, regarding such matters as: building types; heights and setbacks; publicly accessible private open space and pedestrian connections; and vehicle access. The Clairtrell Area Context Plan was prepared in March 2005 and is the general development guideline for the area (see Attachments 6 and 7).

The Context Plan provides a range of generalized building heights and types. It identifies the subject lands as an area for a building of 3-6 storeys and 11-20 metres in height. The guideline supports appropriate siting of the building and achieving a transition to adjacent stable residential neighbourhoods. Mid-rise buildings are encouraged to align and frame adjacent streets and open spaces and form landscaped courtyards either within the blocks or opening onto adjacent streets. Grade-related units with lobbies and amenity areas should support and enhance the adjacent public realm. Parking and service areas should have limited visual impact on the public realm by providing underground parking and landscape screening. The Context Plan encourages transit use through Transportation Demand Management measures such as bicycle parking.

## **Zoning**

Under North York Zoning By-law 7625, the lands are zoned One Family Detached Dwelling Third Density (R3) which permits single detached dwellings. Under the

recently adopted City of Toronto By-law 1156-2010, the lands at 395, 397, 399 and 401 Spring Garden Avenue have also been zoned RD(f:21; a600) (x1011) which is comparable to the North York By-law by also permitting dwelling units in detached houses (see Attachments 8 and 9).

### **Site Plan Control**

The local Councillor has directed that all Site Plan applications in the Ward be bumped up. This report recommends that the Site Plan Control application be approved in principle, subject to staff finalizing the draft conditions of Site Plan approval in Attachment 14.

### **Reasons for Application**

The proposed site-specific amendment to the Secondary Plan is to enable the density increase to be provided in return for a monetary contribution to be used towards the cost of constructing and equipping an off-site public community centre and/or social facility, rather than provide the facility on-site.

Amendments to both the North York and new City of Toronto Zoning By-law are required as the lands are within both by-laws; and amendments to both By-laws are required to establish detailed land use and built form provisions and other standards for the proposed development.

### **Community Consultation**

Community Consultation Meetings were held in March and June of 2010. Staff also met with the landowners to the south and east and representatives from the Church of the Incarnation. The comments from the community that have been considered in the review of this proposal include:

- traffic congestion in the area;
- height and shadow impacts of the building;
- location of underground parking garage and exhaust vents;
- length of time for construction and disruption in the area in particular for the health and safety of students, staff and visitors of St. Gabriel's Catholic School during demolition and construction; and,
- relation of the building to the yards and landscaped areas of abutting properties to the south and east.

### **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have assisted in evaluating the application and to formulate appropriate By-law standards and draft conditions of Site Plan approval.

## **COMMENTS**

### **Provincial Policy Statement and Growth Plan**

The proposed development is consistent with the PPS. The proposed land use and density provides a compact built form that supports an efficient use of land and existing transit infrastructure. The proposed Official Plan Amendment provides for public service facilities to meet future needs in an area the Official Plan identifies as appropriate for intensification.

The proposed development represents growth within an intensification area, increased density in a major transit station area, and establishes pedestrian and bicycle connections to a transit station. The proposal effectively implements, conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

### **Density**

The proposed density of 3.3 times the area of the lot conforms with the density provided for by the Secondary Plan including density incentives or transfers. The Secondary Plan notes that the densities are to support the subway, and are defined by built form objectives and the need to address potential impacts on stable lands uses, infrastructure capacity, and community resources.

### **Built Form Objectives – Transition to the Neighbourhood**

The proposed development implements the built form and urban design objectives of the Official Plan, Secondary Plan and Context Plan. On the Spring Garden Avenue frontage, the proposed building has a front yard setback of 3.8 metres from the 20 metre Spring Garden Avenue right-of-way, and a roof height of 6 to 7 stories and 20.5 to 24.5 metres above the established grade at the mid-point of the streetscape. The built form achieves the general one-to-one building height to street width ratio objective in the Context Plan.

The front entrance, residential units and associated landscaped patios step down to match the adjacent sidewalk grade, so that at the eastern end of the building units have one level below the remainder of the building. The resulting 8-storey elevation above the immediately adjacent grades at the east end, avoids blank retaining walls and/or excessive stairs from the streetscape, and effectively implements the urban design objectives of the Official Plan and Context Plan.

The proposed built form effectively implements the Context Plan's generalized built form guidelines in an independent, mid-rise building. The proposed mid-rise built form meets the objectives of the Official Plan and Context Plan by providing an appropriate transition in height and scale from the higher densities located around the Bayview Avenue subway station node to the lower scale *Neighbourhoods* designation to the north.

### **Infrastructure Capacity**

The Sheppard East Subway Corridor Secondary Plan is premised upon supporting the efficient use of existing (i.e. transit) infrastructure, particularly through achieving

permitted densities. The proposed consolidation of six lots enables an appropriate density to be achieved. At the same time, the proposed development does not preclude the remaining house to the east on Bayview Avenue or the lands on Teagarden Court from being redeveloped in the future to achieve the objectives and densities of the Secondary Plan.

### **Community Resources – Section 37**

The Secondary Plan provides for the use of Section 37 density transfers and incentives on lands designated *Mixed Use Areas*. The Secondary Plan indicates that incentives are to be assessed for each site in the context of the proposed built form, infrastructure requirements and proposed public benefit. As noted above, the proposed built form is appropriate; and secondly, no infrastructure deficiencies have been identified through the review of the proposed development. In terms of community benefit, the Secondary Plan currently includes a list of potential public benefits and community resources such as: private recreation amenity area; community centres; places of worship; and social facilities. A private recreation amenity area is being proposed in the development. The Secondary Plan contemplates further policies being added to the plan as part of the review of development applications, and as in the case of the approved development to the immediate west, it is also appropriate in this case to secure off-site community benefits through the proposed site-specific Official Plan Amendment.

The application proposes an on-site recreational amenity area of approximately 427 square metres. This benefit is in the Secondary Plan's list of available density incentives, and when deducted from the total proposed density increase of 1,310 square metres, 883 square metres remains. The proposed Official Plan Amendment would enable the community benefit to be in the form of a monetary contribution towards the cost of constructing and equipping an off-site public community centre and/or social facility. This benefit is also one of the density incentives listed in the Secondary Plan, and providing a monetary contribution for the increased density would enable enhanced community resources to be provided off-site. In consultation with the local Councillor, the monetary contribution is more specifically to be for a child care facility in Ward 23 as identified by Toronto Children's Services. The Director of Real Estate has recommended that the increase in density be valued at an indexed rate of \$50 per square foot or \$538/square metre which equates to a total contribution of \$475,054.

The proposed density is appropriate. The resulting density is in keeping with the criteria in the Secondary Plan: it provides an appropriate built form transition to the adjacent Neighbourhood; it makes efficient use of existing transit infrastructure; and, it contributes towards increased community resources.

### **Sun, Shadow and Wind**

The Secondary Plan directs that particular attention be given to the impact of shadows on the St. Gabriel's School yard on the north side of Spring Garden Avenue. The submitted sun/shadow study indicates how the building setbacks, step backs and heights would minimize shadowing of St. Gabriel's school yard in particular during the spring and fall equinox.



A review of pedestrian wind conditions found that the proposed development would have acceptable wind conditions given the mid-rise building's limited height and small west façade. The wind consultant's recommendations included installing canopies over the pedestrian entrances and landscaping the northwest corner of the building. Both the sun/shadow study and wind studies have been reviewed and found acceptable. The final Site Plan will secure the canopy and landscape elements.

### **Construction Management Plan**

The Toronto District Catholic School Board has expressed concern with the potential for disruption from the construction of the development. This concern can be addressed in part through a Construction Management Plan that will be required of any construction activity within the City's right-of-way and approved by the Executive Director of Technical Services.

### **Streetscape/Pedestrian Realm**

The proposed 3.8 metre front yard setback on Spring Garden Avenue provides an appropriate space for landscaping and patios which are key elements in creating a safe and comfortable pedestrian street environment. As previously noted, each residential unit facing Spring Garden Avenue would have a direct sidewalk connection with few steps to the landscaped and open-fenced front yards. One of the draft conditions of Site Plan approval requires the owner to construct a new sidewalk on the entire south side of Spring Garden Avenue connecting between the development to the west and the existing sidewalk on Bayview Avenue. In addition, public pedestrian connections are to be provided around the building that will connect with other lands to the south, and the subway station, should they redevelop.

### **Traffic, Parking and Access**

The traffic study and proposed parking satisfies Transportation Services' requirements as traffic is expected to have a minor impact on the surrounding road network. While the unit count in the proposed building has increased from 153 units in the original submission to 172 units, the total number of parking spaces has reduced from 210 to 195. This includes 17 visitor parking spaces. Transportation Services have no objection to this reduction given the proposal's location approximately 250 metres from the Bayview Subway station and within a key development area of the Sheppard East Subway Corridor Secondary Plan. Access to the 2 ½ levels of below-grade parking would be from a single and central location on Spring Garden Avenue with the ½ level being west of the main building entrance and beneath the residential units that rise to meet higher grades. This ½ level of parking would also be at the same grade as the driveway access from Spring Garden Avenue and includes 129 bicycle parking spaces.

### **Loading/Servicing**

The loading space is proposed to be located at the western end of the site and would be appropriately screened from the public realm and streetscape. Garbage and recycling rooms would be located within the first level of the building.

In keeping with Secondary Plan policies to facilitate traffic flow, reduce pedestrian conflicts, and minimize driveway access points, access to the loading/servicing area is through a driveway shared with the approved development to the west at the corner of Clairtrell Road and Spring Garden Avenue. This shared access is to be secured through site plan conditions satisfactory to the Executive Director of Technical Services prior to enactment of the Bills by Council.

### **Parkland/Open Space**

The subject lands are in a parkland priority area of the Official Plan and the Alternative Parkland Dedication Rate applies. The proposed 172 unit apartment building on the 4,377 square metre site results in a capped parkland dedication rate of 10%, or 437 square metres. Parks, Forestry and Recreation recommend that the parkland dedication be fulfilled through a payment of cash-in-lieu at the time of issuance of the building permit.

In addition to the landscaped patios around the building, landscaped open space would also be located at the west end of the building adjacent to the public sidewalk and extending south of the loading area. The absence of underground parking in this area would enable existing trees to be retained and be supplemented with more formal landscaping. Amenity space would also be provided on the roof top terrace. The details of these amenities will be secured through approval of the Site Plan.

### **Trees**

Twenty six (26) privately-owned trees are subject to the City of Toronto's Private Tree By-law and would need to be removed for the proposed development. If necessary, any removal of protected trees on adjacent properties will require a letter of consent from abutting property owners. The proposal protects three existing street trees and enhances the streetscape with an additional 14 new street trees. All of these requirements have been included in the draft conditions of Site Plan approval.

### **Toronto Green Standard**

The Tier 1 provisions of the Toronto Green Standard are being met as follows:

- reduced motor vehicle parking spaces;
- increased, secure and weather protected bicycle parking accessible to grade;
- new and continuous public sidewalk supplemented with well-lit, pedestrian connections with canopies over building entrances;
- retained and enhanced landscaped and treed areas and new sidewalks with street trees;
- green roof and overall enhanced energy efficiency;
- stormwater retention and reuse; and,
- recycling room within the building.

These matters will be secured through the appropriate Site Plan approvals and associated conditions.

## **Development Charges**

It is estimated that the development charges for this project will be \$1.19 million. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

## **CONTACT**

Robert Gibson, Senior Planner  
Tel. No. 416-395-7059  
Fax No. 416-395-7119  
E-mail: [rgibson@toronto.ca](mailto:rgibson@toronto.ca)

## **SIGNATURE**

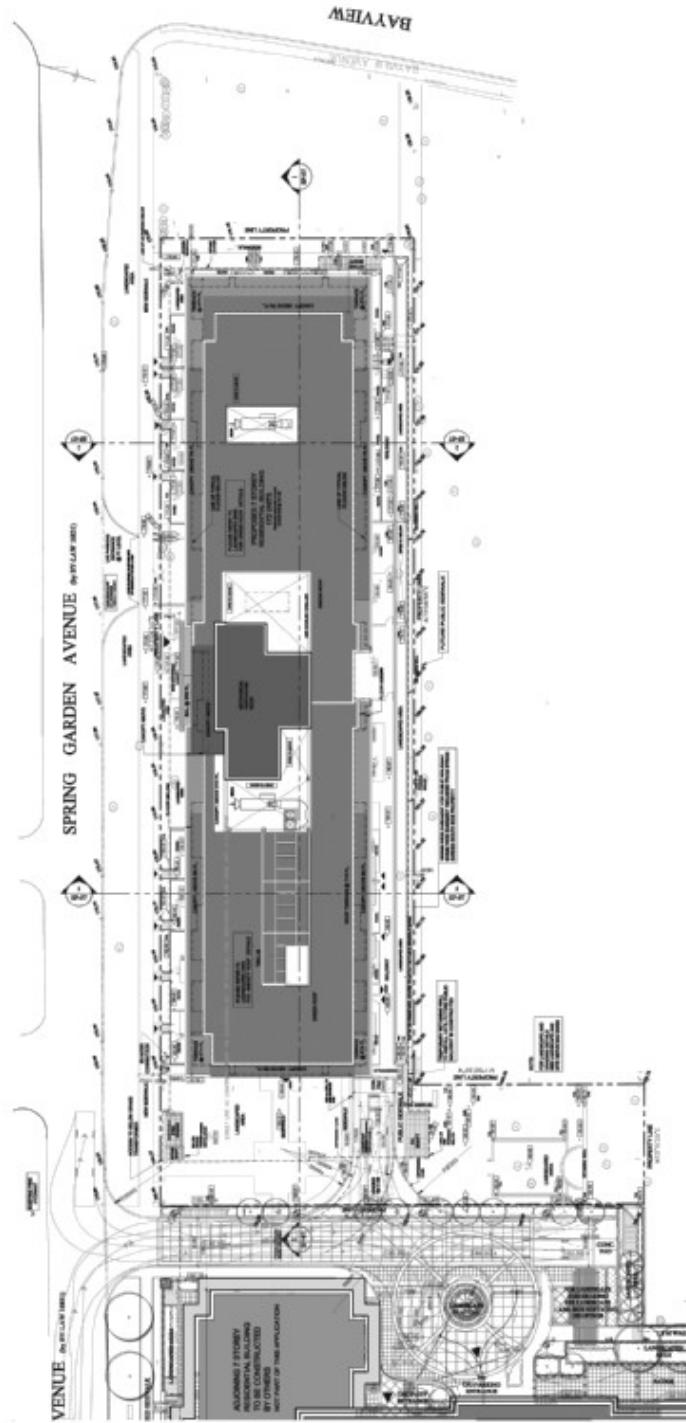
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Allen Appleby, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: North Elevation  
Attachment 3: East and West Elevations  
Attachment 4: Official Plan  
Attachment 5: Sheppard East Subway Corridor Secondary Plan  
Attachment 6: Context Plan Building Height and Structure Diagram  
Attachment 7: Context Plan Public Realm Diagram  
Attachment 8: North York Zoning By-law 7625  
Attachment 9: City of Toronto Zoning By-law 1156-2010  
Attachment 10: Application Data Sheet  
Attachment 11: Draft Official Plan Amendment  
Attachment 12: Draft Zoning By-law Amendment -North York By-law No. 7625  
Attachment 13: Draft Zoning By-law Amendment -Toronto By-law No. 1156-2010  
Attachment 14: Draft Conditions of Site Plan Approval

**Attachment 1: Site Plan**



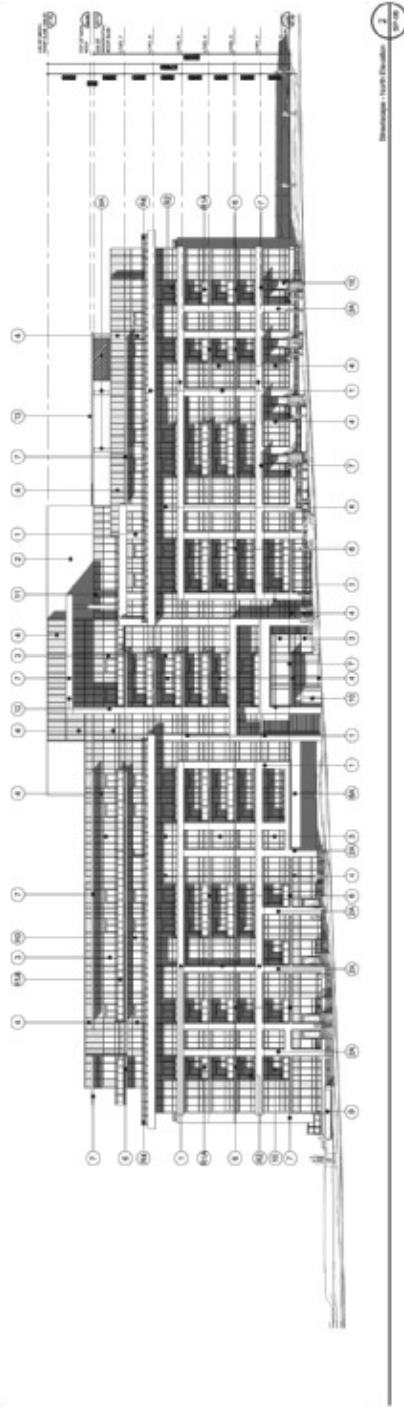
**Site Plan**  
Applicant's Submitted Drawing  
Not to Scale  
03/02/2011

**Site Plan**  
Applicant's Submitted Drawing  
Not to Scale  
03/02/2011

**Site Plan**  
Applicant's Submitted Drawing  
Not to Scale  
03/02/2011

File # 10\_129149

**Attachment 2: North Elevation**



**Elevation**

Applicant's Submitted Drawing

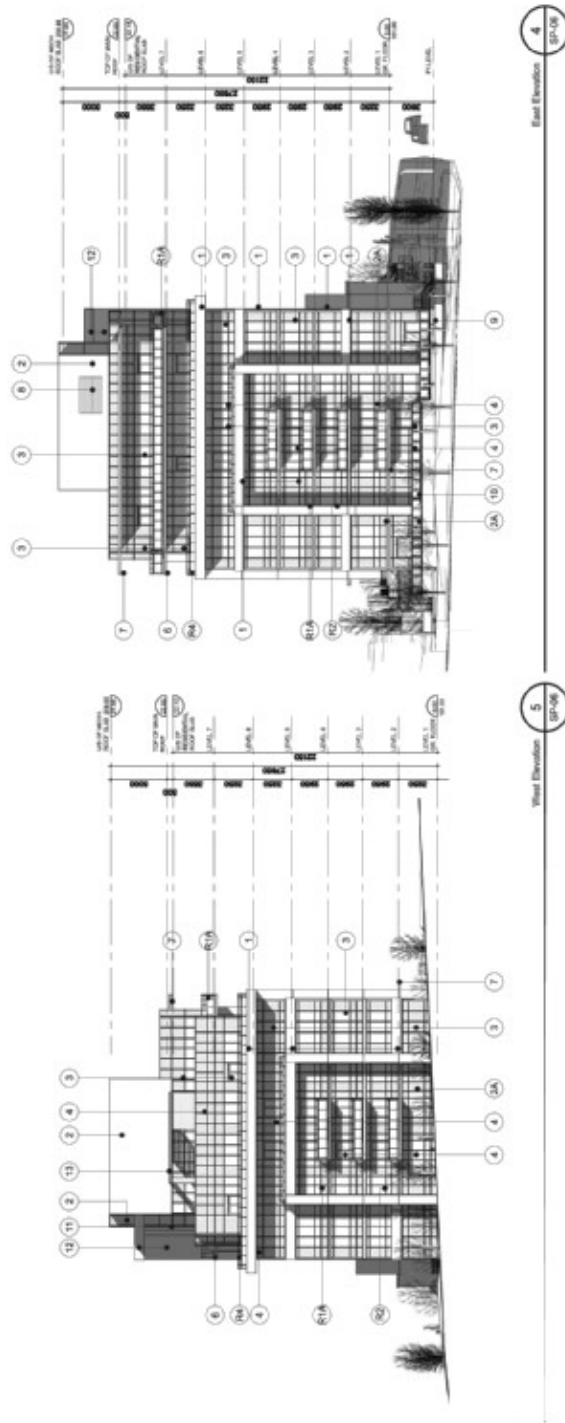
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**393, 395, 397, 399, 401, and 403 Spring Garden Avenue**

File # 10\_129149

**Attachment 3: East and West Elevations**

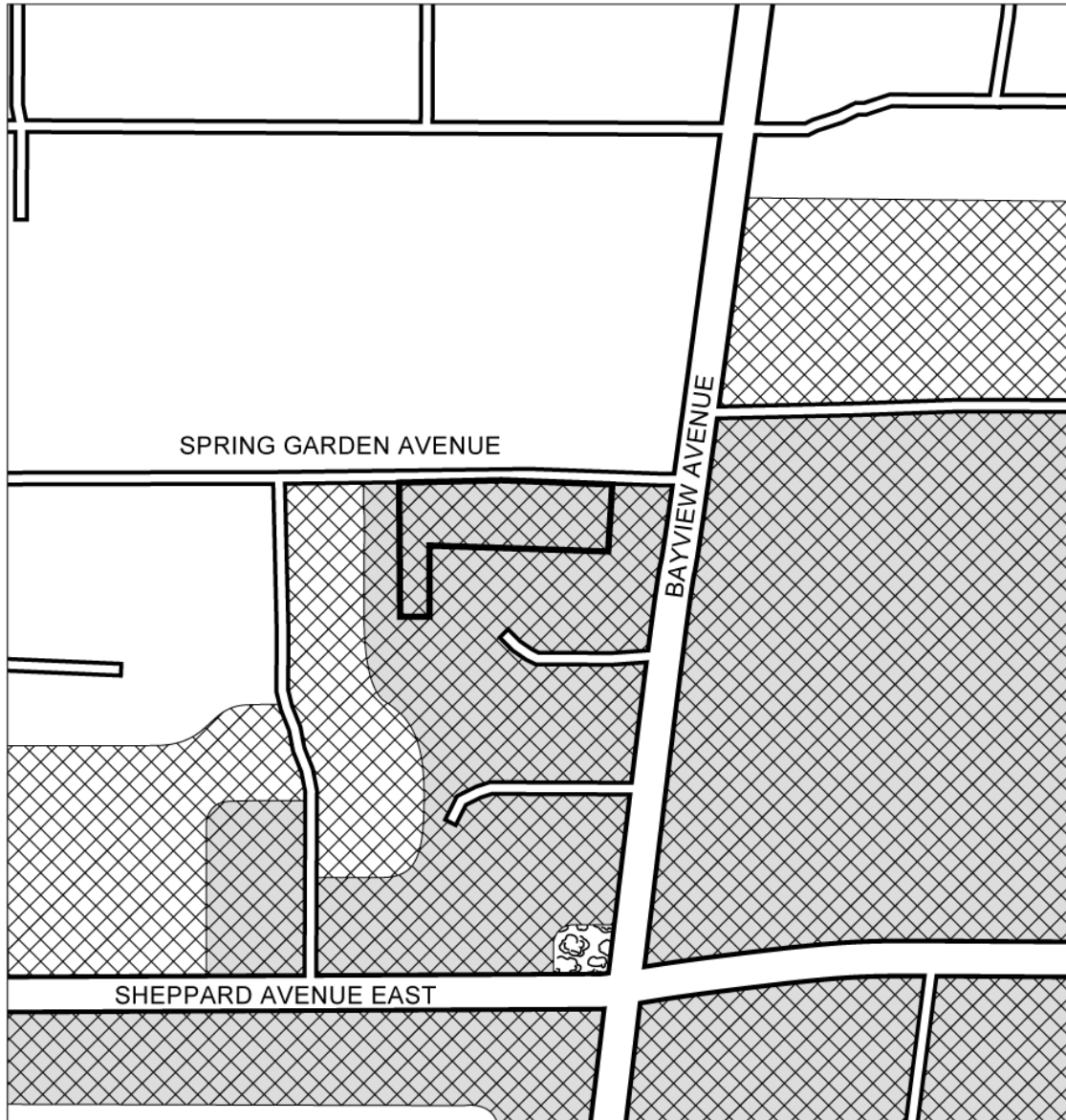


**Elevation**  
 Applicant's Submitted Drawing  
 Not to Scale  
 03/02/2011

**393, 395, 397, 399, 401, and 403 Spring Garden Avenue**

File # 10\_129149

### Attachment 4: Official Plan



**TORONTO** City Planning  
**Official Plan**

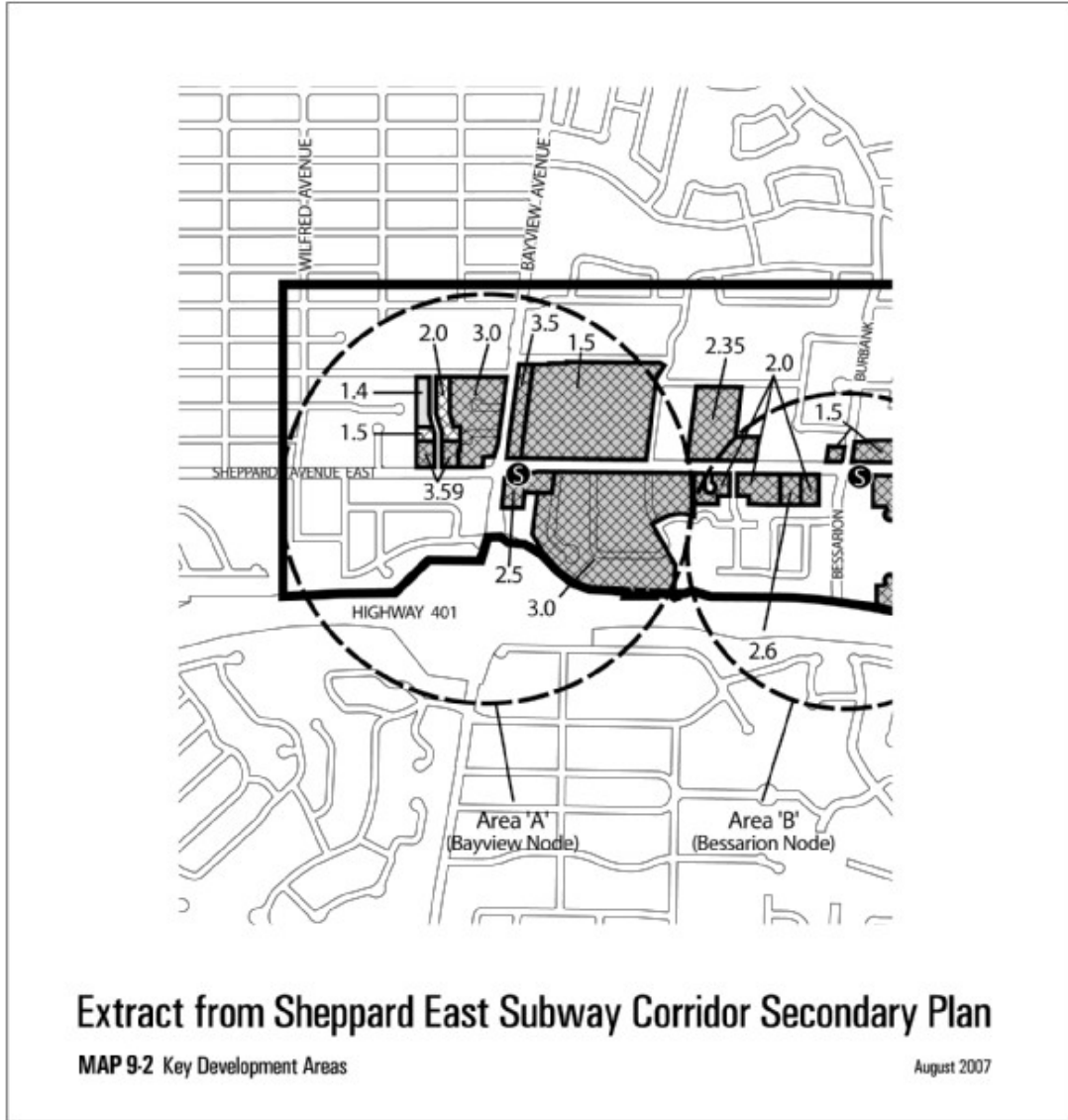
393, 395, 397, 399, 401, and 403 Spring Garden Avenue

File # 10\_129149

- |  |  |
|--|--|
|  Site Location            |  Parks & Open Space Areas |
|  Neighbourhoods           |  Parks                    |
|  Apartment Neighbourhoods |  |
|  Mixed Use Areas          |  |

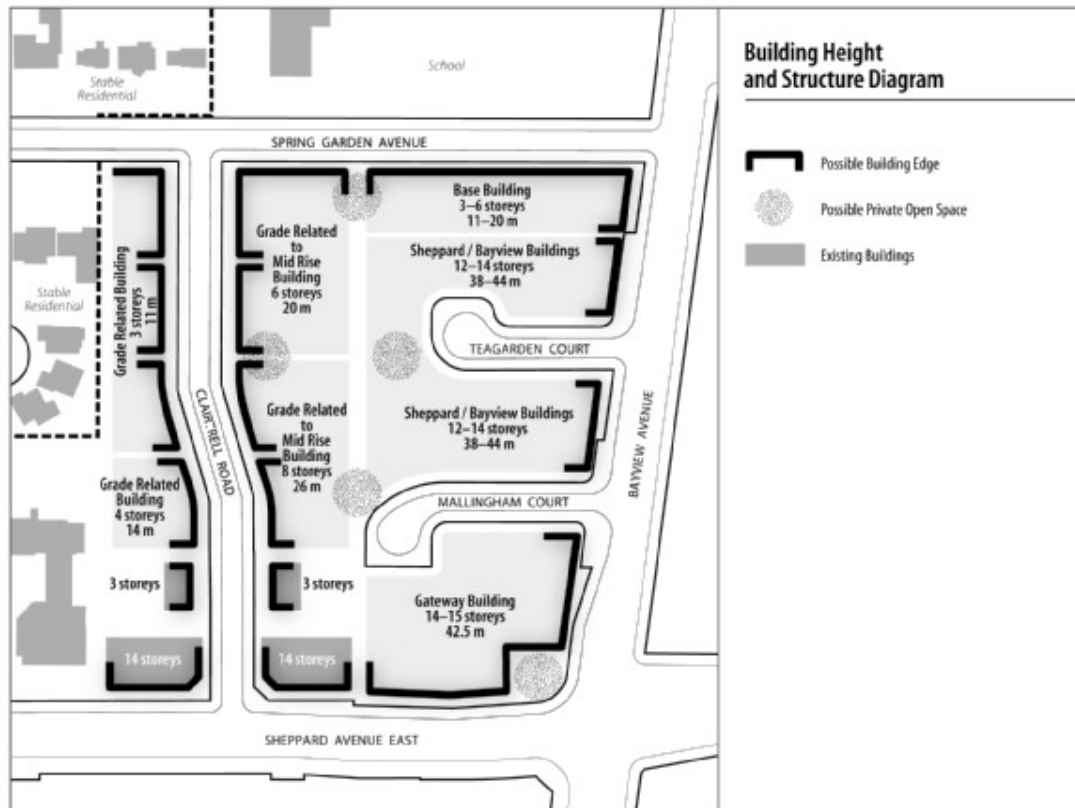
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## Attachment 5: Sheppard East Subway Corridor Secondary Plan





## Attachment 6: Context Plan Building Height and Structure Diagram



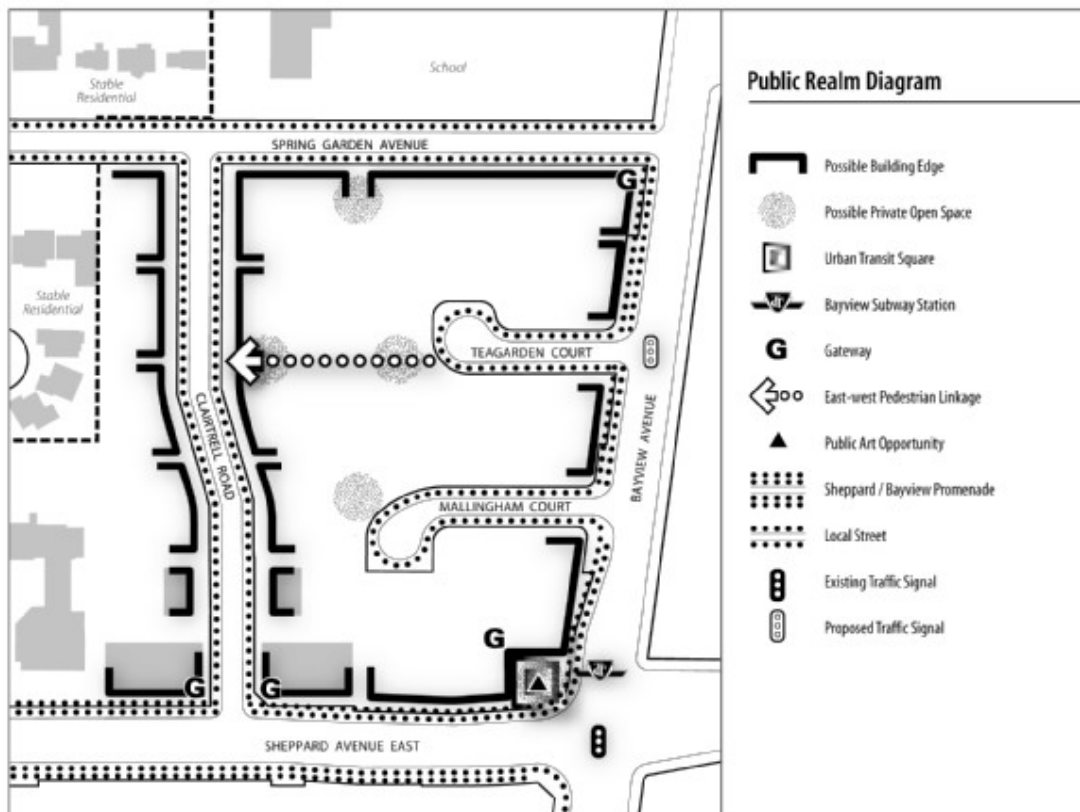
Building Heights & Structure

393 - 403 Spring Garden Avenue

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File # 10\_129149

## Attachment 7: Context Plan Public Realm Diagram



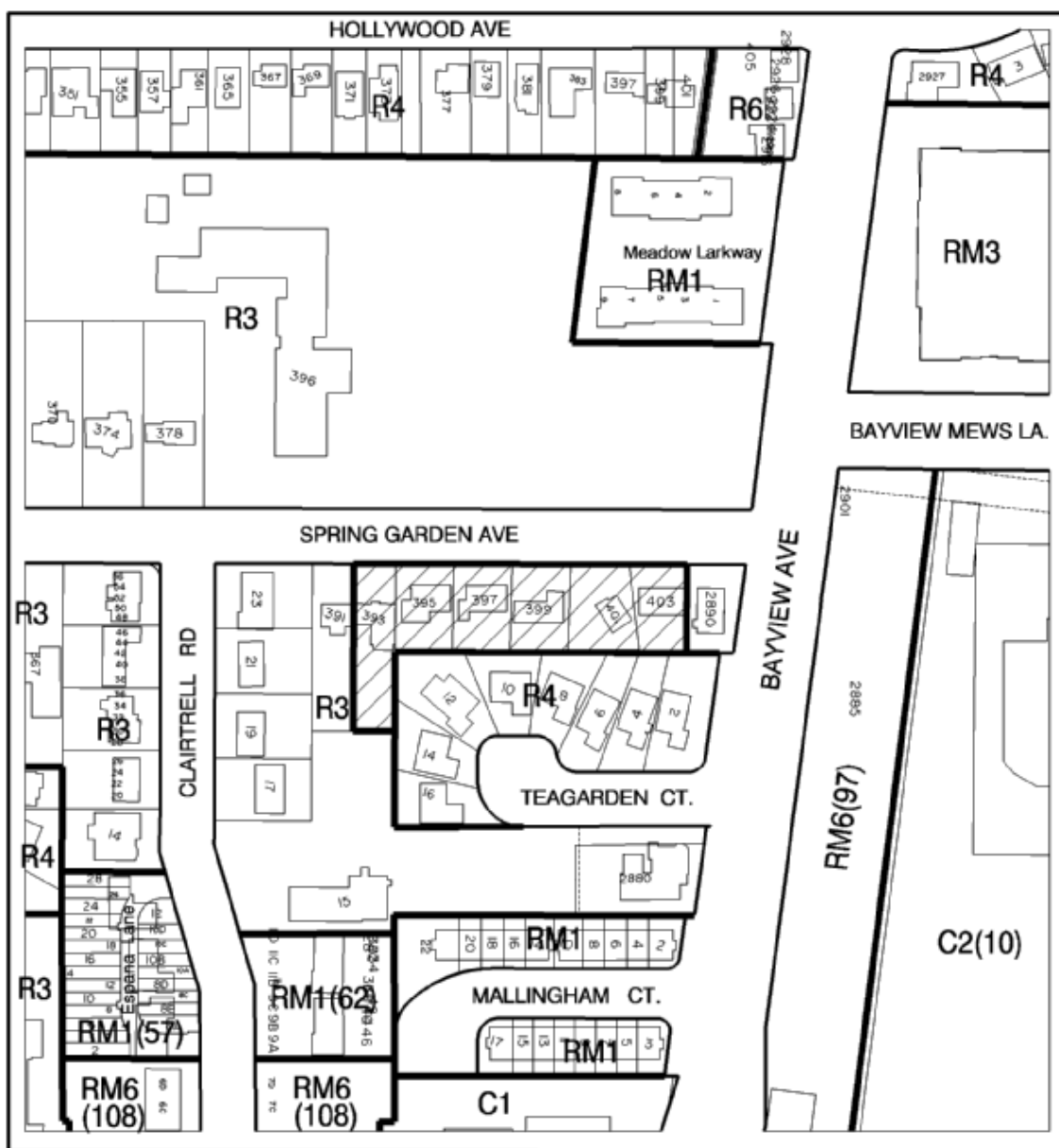
### Public Realm Diagram

393 - 403 Spring Garden Avenue

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File # 10\_129149

## Attachment 8: North York Zoning By-law 7625



**393,395,397,399,401 & 403 Spring Garden Ave.**

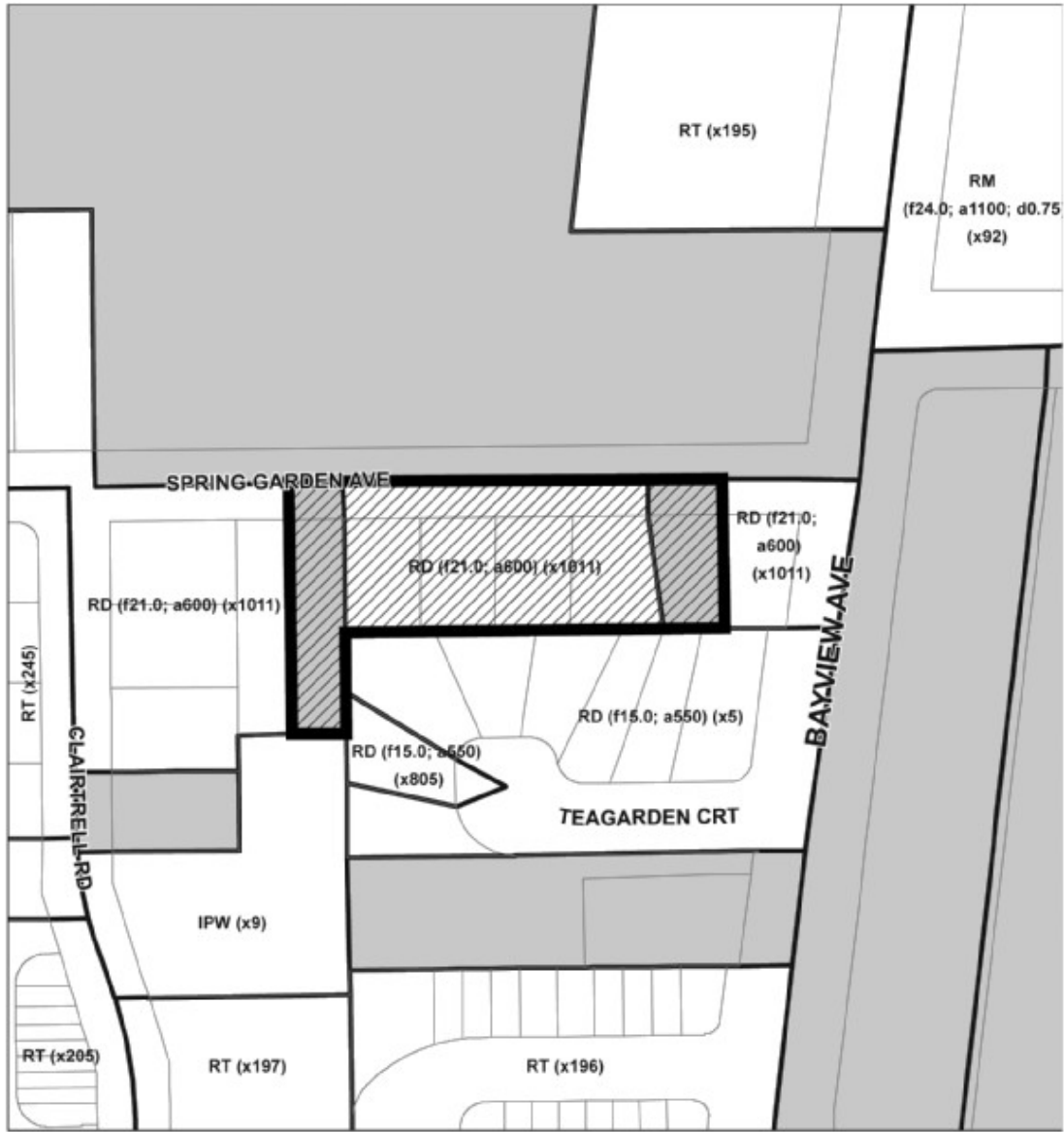
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- R3 One-Family Detached Dwelling Third Density Zone
- R4 One-Family Detached Dwelling Fourth Density Zone
- R6 One-Family Detached Dwelling Sixth Density Zone
- RM1 Multiple Family Dwellings First Density Zone
- RM3 Multiple Family Dwellings Third Density Zone

- RM6 Multiple Family Dwellings Sixth Density Zone
- C1 General Commercial Zone
- C2 Local Shopping Centre Zone
- NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

Not to Scale  
 Zoning By-law 7625  
 Extracted 03/29/2010

Attachment 9: City of Toronto Zoning By-law 1156-2010



**TORONTO** City Planning  
**Zoning By-law 1156-2010**

**393 - 403 Spring Garden Avenue**  
 File # 10 129149 NNY 02

Subject Site  
 Not Part of Zoning By-law 1156-2010  
 RD Residential Detached Zone  
 RT Residential Townhouse Zone  
 NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

RM Residential Multiple Zone  
 IPW Institutional Place of Worship Zone

Not to Scale  
 Extracted 03/01/2011

## Attachment 10: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	10 129149 NNY 23 OZ
Details	OPA & Rezoning, Standard	Application Date:	March 9, 2010

Municipal Address: 393, 395, 397, 399, 401 and 403 SPRING GARDEN AVE  
 Location Description: PLAN 3237 PT LOT 7 \*\*GRID N2304  
 Project Description: Proposed 6-8 storey residential apartment building

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
S&A DEVELOPMENTS LIMITED	KLM PLANNING PARTNERS INC.	KIRKOR Architects and Planners	ALEX and ESTER STRASSER and 2155593 Ont. Ltd.

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	R3 and RD(f:21.0; a:600) (x1011)	Historical Status:
Height Limit (m):	8.8 and 10.0	Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq. m):	4,362.78	Height:	Storeys:	6-8
Frontage (m):	122.9		Metres:	20.5-24.5
Depth (m):	32.05			
Total Ground Floor Area (sq. m):	2,149.89			<b>Total</b>
Total Residential GFA (sq. m):	14,397.19		Parking Spaces:	195
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	14,397.19			
Lot Coverage Ratio (%):	49.28			
Floor Space Index:	3.3			

### DWELLING UNITS

Tenure Type:	N/A
Rooms:	0
Bachelor:	0
1 Bedroom:	114
2 Bedroom:	49
3 + Bedroom:	9
Total Units:	172

### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	14397.19	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Robert Gibson, Senior Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 395-7059</b>

**Attachment 11: Draft Official Plan Amendment**

Authority: North York Community Council Item ~  
as adopted by City of Toronto Council on ~, 2011  
Enacted by Council: ~, 2011

**CITY OF TORONTO**

**BY-LAW No. ~ -2011**

**To Adopt Amendment No. 146 to the Official Plan of the City of Toronto in respect of lands municipally known as 393, 395, 397, 399, 401 and 403 Spring Garden Avenue.**

WHEREAS authority is given to Council under 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*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Amendment No. 146 to the Official Plan of the City of Toronto in respect of lands municipally known as 393, 395, 397, 399, 401 and 403 Spring Garden Avenue, consisting of the attached text, is hereby adopted.

ENACTED AND PASSED this ~ day of ~, A.D. 2011.

ROB FORD  
Mayor  
(Corporate Seal)

ULLI S. WATKISS  
City Clerk

## AMENDMENT NO. 146

### TO THE OFFICIAL PLAN OF THE CITY OF TORONTO IN RESPECT OF LANDS MUNICIPALLY KNOWN AS 393, 395, 397, 399, 401 AND 403 SPRING GARDEN AVENUE

The Official Plan of the City of Toronto is amended as follows:

#### Clause 1

Chapter Six, Section 9 (Sheppard East Subway Corridor Secondary Plan) is amended by adding a new Sub-Section 4.2.2.1(n) to Section 4.2 A, as follows:

“for the lands municipally known in the year 2009 as 393, 395, 397, 399, 401 and 403 Spring Garden Avenue, the City may accept as a density incentive a monetary contribution for a maximum additional gross floor area of 883 square metres, to be used towards the cost of constructing and equipping a public community centre and/or social facility as identified in Section 4.3.3 of this Secondary Plan. The maximum permitted gross floor area that may be achieved through any combination of density incentive, transfer or monetary contribution will be secured in an agreement pursuant to Section 37 of the *Planning Act* and in no case will exceed the permitted density of 3.0 times the lot area by more than 10 per cent to a total maximum density of 3.3 times the lot area.”

**Attachment 12: Draft Zoning By-law Amendment – North York By-law No. 7625**

Authority: North York Community Council Item **XX.XX** as adopted by City of Toronto Council at its meeting on **XX.XX**, 2011

**CITY OF TORONTO**

**BY-LAW No. **xxx**-2011**

**To amend the former City of North York Zoning By-law No. 7625, as amended with respect to lands municipally known as 393, 395, 397, 399, 401 and 403 Spring Garden Avenue**

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*;

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height and density of development beyond those 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;

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 height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters;

WHEREAS the owner of the aforesaid lands has elected to provide the facilities, services and matters, as set out in this By-law;

WHEREAS the increases in the height and density permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 7625 of the former City of North York, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (the “City”); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Schedules “B” and “C” of By-law No. 7625 of the former City of North York are amended in accordance with Schedule “1” attached to this By-law.



2. Section 64.20-A, of By-law No. 7625 of the former City of North York, as amended, is further amended by adding the following subsection:

**64.20-A(202) RM6(202)**

**DEFINITIONS**

- (a) For the purposes of this exception, the following definitions will apply:
- (i) “Apartment House Dwelling” shall mean a building containing more than four (4) dwelling units, each unit having access either from an internal corridor system or direct access at grade, or any combination thereof.
  - (ii) “Established Grade” shall mean a geodetic elevation of 181.0 metres.
  - (iii) “Gross Floor Area” shall mean the total area of all of the floors of a building above or below established grade measured from the outside of the exterior walls, including indoor residential amenity space and locker areas, but excluding:
    - A. any floor area used for motor vehicle parking, including ancillary areas, ramps, and driveways;
    - B. any floor area used for mechanical equipment or elevators;
    - C. any floor area used for stair enclosures providing access to the roof of the building or structure;
    - D. the floor area of unenclosed terraces or balconies; and
    - E. any floor area used for bicycle parking.
  - (iv) “Lot” shall mean the lands outlined by heavy black lines and zoned RM6(202) on Schedule “1” attached to this By-law.

**PERMITTED USES**

- (b) The only uses permitted on the lot are:
- (i) an apartment house dwelling and accessory uses; and
  - (ii) a publicly accessible walkway.

## **EXCEPTION REGULATIONS**

### Landscaping and Lot Coverage

- (c) A minimum 2,125 square metres of at grade landscaping shall be provided on the lot. Landscaping may include plantings, paths, patios, walkways and existing natural treed areas, but shall not include driveways, ramps, lanes, or parking areas or any space within or on the roof of the building.
- (d) The provisions of Section 15.8 (Landscaping) and Section 20-A.2.2 (Lot Coverage) shall not apply.

### Yard Setbacks and Separation Distances

- (e) The minimum front, side, and rear yard setbacks for buildings and structures shall be as shown on Schedule RM6(202).
- (f) Despite subsection (e) of this exception and in addition to the projections permitted by Section 6(9) (Permitted Projection into Minimum Yard Setbacks), canopies, porches, steps, railings, chimneys and architectural roof elements shall be permitted to project into the setbacks shown on Schedule RM6(202) as follows:
  - (i) into the required front yard setback by a maximum of 1.5 metres; and
  - (ii) into the required side and rear yards setbacks by a maximum of 2.0 metres.
- (g) The provisions of Section 20-A.2.4 (Yard Setbacks) and Schedule RM6 (202) shall not apply to parking structures and structures associated thereto at or below a geodetic elevation of 178.0 metres and the adjacent ground level.
- (h) The provisions of Section 15.6 (Minimum Distance of Apartment House Dwellings from R and RM2 Zones) and Section 20-A.2.4.1 (Distance between Buildings and/or Portions of Buildings Forming Courts) shall not apply.

### Gross Floor Area and Maximum Dwelling Units

- (i) Except as provided for in subsections (t) and (u) of this exception, the maximum gross floor area shall be 13,088 square metres.
- (j) The maximum number of dwelling units shall be 175.

### Recreational Amenity Area

- (k) A minimum of 1.5 square metres per dwelling unit of indoor recreational amenity area shall be provided for the use of all occupants of the building on the lot.

### Building Height

- (l) Notwithstanding Section 20-A.2.6 (Building Height):
  - (i) 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 RM6(202);
  - (ii) enclosures for rooftop mechanical and elevator equipment may exceed the maximum building height shown on Schedule RM6(202) by a maximum 5.0 metres provided such enclosures are located within the areas shown as 'Mechanical Penthouse' on Schedule RM6(202);
  - (iii) roof top trellises and outdoor recreational and landscape features may exceed the maximum building height shown on Schedule RM6(202); and
  - (iv) A maximum of 7 storeys plus Mechanical Penthouse is permitted above Established Grade and a maximum of 1 storey is permitted below Established Grade.
- (m) Except as provided herein, Section 2(10) shall continue to apply.

### Motor Vehicle Parking

- (n) Motor Vehicle parking for residential uses within the lot shall be provided in accordance with the following:
  - (i) a minimum of 130 parking spaces, of which 0.1 parking spaces per dwelling unit shall be for the use of visitors; and
  - (ii) a maximum of 195 parking spaces, of which a minimum of 17 shall be for the use of visitors.
- (o) The provisions of Sections 6A(8)(b), (c) and (d) (Parking Regulations for RM Zones other than RM2 Zones) shall not apply to parking spaces within parking structures located at or below established grade.

### Bicycle Parking

- (p) Bicycle parking for residential uses within the lot shall be provided at a minimum of 125 spaces, of which a minimum of 75 spaces shall be located in a bicycle room on the ground floor.

### Loading

- (q) One loading space having minimum dimensions of 4.0 metres x 13.0 metres and a minimum vertical clearance of 6.1 metres shall be provided.
- (r) The provisions of Section 6A(16)(c) (Location of Loading Spaces) shall not apply to a loading space required by this By-law.

### Land Division

- (s) Notwithstanding any severance, partition, or division of the lot, the regulations of this exception shall continue to apply to the whole of the lot as if no severance, partition, or division occurred.

### **INCREASED DENSITY/SECTION 37**

- (t) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with the provisions of this By-law, the increase in height and density of development on the lot as set out in subsection (u) of this exception is permitted in return for the provision by the Owner of the following facilities, services and matters to the City at the Owner's sole expense:
  - (i) prior to issuance of a building permit the Owner shall submit by cash or certified cheque a monetary contribution equal to the market value, as determined by the Director of Real Estate, corresponding to a maximum of 883 square metres of additional gross floor area which contribution will be used at the discretion of the City towards the cost of constructing and equipping a public community centre and/or social facility as identified in Section 4.3.3. of the Sheppard East Subway Corridor Secondary Plan; and
  - (ii) 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 to secure:
    - A. the matters provided for in subsection (t)(i) above; and
    - B. the provision and maintenance by the Owner of a corresponding amount of indoor recreational amenity area of not less than 1.5 square metres per dwelling unit and up to a maximum of 427 square metres

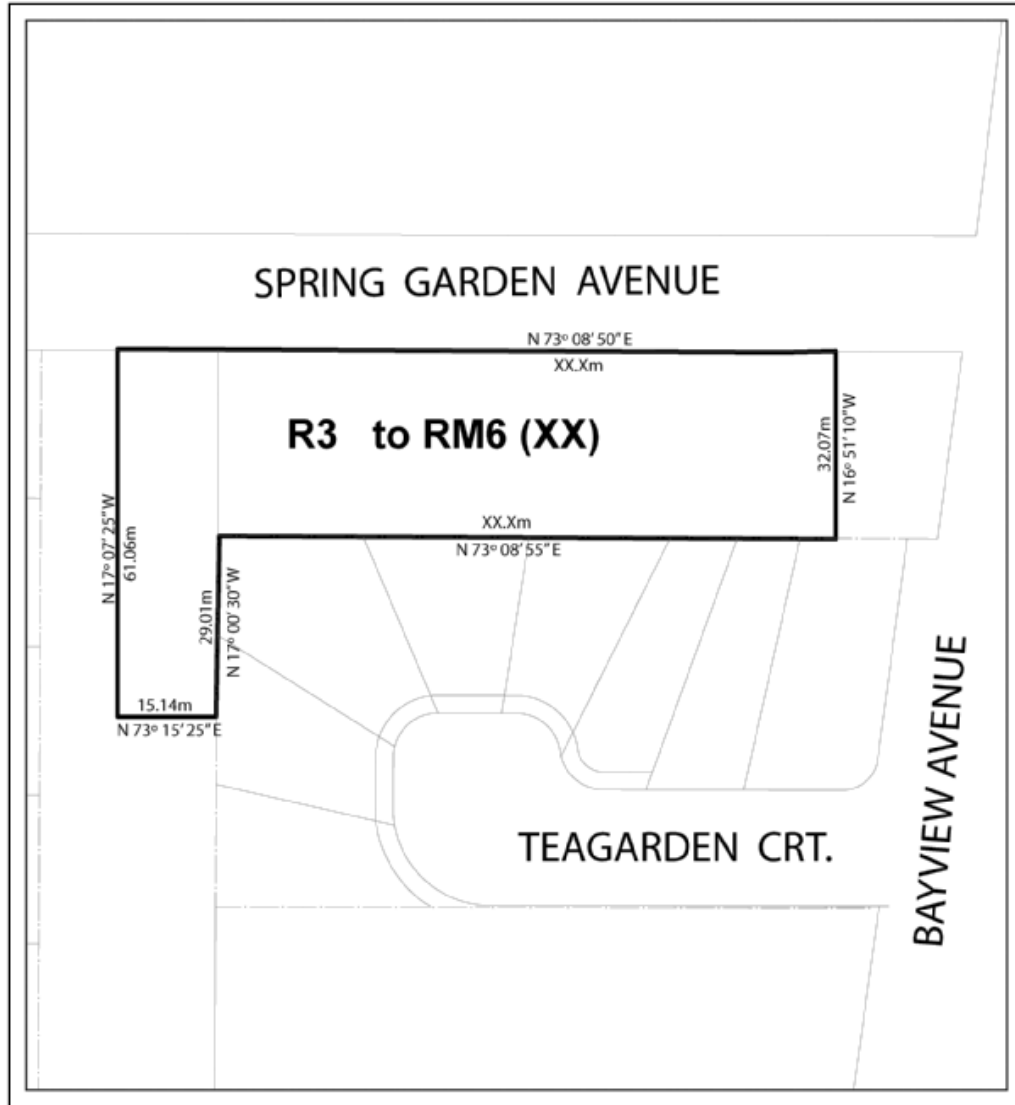
Additional Gross Floor Area

- (u) Notwithstanding the maximum gross floor area of 13,088 square metres permitted in subsection (i) of this exception, additional gross floor area up to a maximum of 1,310 square metres may be permitted on the lands zoned RM6(202) on Schedule '1' attached as follows:
  - (i) up to a maximum of 883 square metres attributable to the corresponding monetary contribution paid prior to issuance of a building permit as specified in subsection (t)(i) of this exception; and
  - (ii) up to a maximum of 427 square metres attributable to the provision and maintenance of a corresponding amount of indoor recreational amenity area specified in subsection (t)(ii)(B) of this exception.
- 3. Section 64.20-A of By-law No. 7625 of the former City of North York, as amended, is further amended by adding Schedule RM6(202) attached to this By-law.
- 4. Except as provided herein, By-law No. 7625 of the former City of North York, as amended, shall continue to apply.
- 5. Within the lands shown on Schedule "1" 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:
  - (a) 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
  - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this ~ day of ~, A.D. 2011.

ROB FORD,  
Mayor  
(Corporate Seal)

ULLI S. WATKISS  
City Clerk



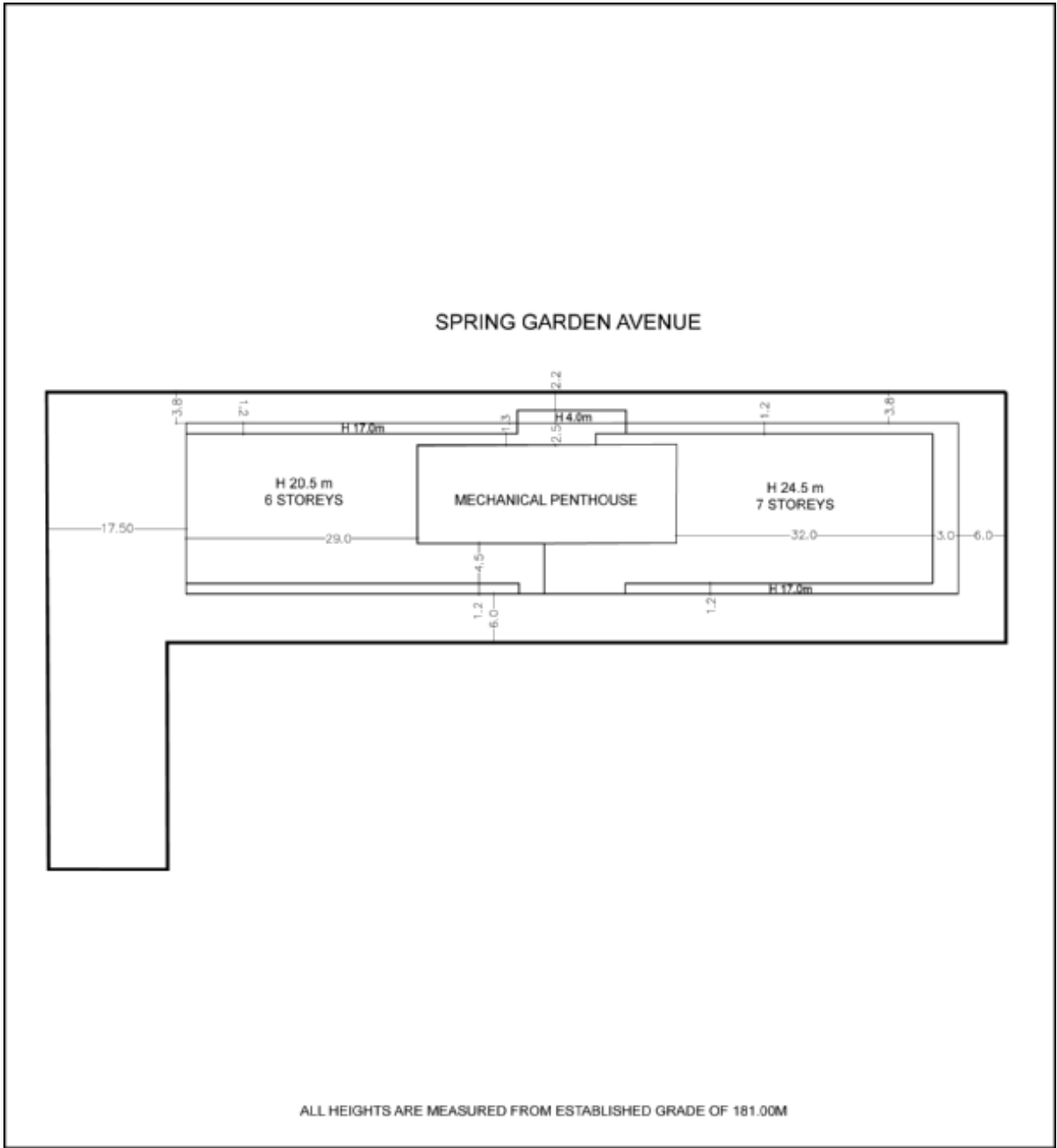
Schedule 1

Part of Lot 7 & all of Lot 8, Registered Plan 3237, City of Toronto.  
 Randy-Pentek & Edward Surveying Ltd., May 21, 2008.

File # 10\_129149

Date: 03/01/2011  
 Approved by: R.G.

↑  
 Not to Scale



**Attachment 13: Draft Zoning By-law Amendment – Toronto By-law No. 1156-2010**

Authority: North York Community Council Item **XX.XX** as adopted by City of Toronto Council at its meeting on XX.XX, 2011

**CITY OF TORONTO**

**BY-LAW No. **xxx**-2011**

**To amend the Zoning By-law for the City of Toronto, being By-law No. 1156-2010, as amended, with respect to the lands municipally known as 393, 395, 397, 399, 401 and 403 Spring Garden Avenue**

WHEREAS the Council of the City of Toronto has been requested to amend its zoning by-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, with respect to lands known municipally as 393, 395, 397, 399, 401 and 403 Spring Garden Avenue; and

WHEREAS the Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting under Section 34 of the *Planning Act*; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height and density of development beyond those 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 height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the aforesaid lands has elected to provide the facilities, services and matters, as set out in this By-law;

WHEREAS the increases in the height and density permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 1156-2010 of the City of Toronto, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (the “City”); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;



The Council of the City of Toronto HEREBY ENACTS as follows:

6. The lands subject to this By-law are outlined by the heavy line on Diagram “1” attached;
7. By-law No. 1156-2010, as amended, is hereby amended for all the lands outlined by the heavy line on Diagram "1" as follows:
  - A) the Zoning By-law Map is amended so that the zone label is shown as RA (fXX;aXXX)(xXXX);
  - B) the Lot Coverage Overlay Map shows all the lands marked as "35";
  - C) the Height Overlay Map shows all the lands marked as "HT 24”;
  - D) the Rooming House Overlay Map shows none of the lands as being "Not Part of This By-law" and none of these lands are subject to the regulations of Section 150.25 Rooming House;
  - E) the Conservation Overlay Map shows none of the lands as being "Not Part of This By-law" and none of these lands are subject to the regulations of Section 600.30 Conservation Overlay; and
  - F) the Policy Overlap Map shows none of the lands as being "Not Part of This By-law" and none of these lands are Policy Area 1, 2, 3, or 4;
8. By-law No. 1156-2010, as amended, is further amended by adding **Exception RA XXX** to Article 900.7.10 so that it reads:

**"Exception RA XXX- 393, 395, 397, 399, 401 and 403 Spring Garden Avenue**

- (A) None of the provisions of
  - 5.10.40.10(4) Height of Buildings and Structures – Exemptions for Functional Operation of a Building,
  - 5.10.40.10(5) Height of Buildings and Structures – Limits on Exempted Elements for Functional Operation of a Building,
  - 5.10.40.60(1) Permitted Encroachments,
  - 5.10.40.70(2) Parts of a Building to which a Required Yard Setback Applies,
  - 5.10.50.10(3) Landscaping Requirement When Abutting a Lot in a Residential Zone Category,
  - 5.10.80.20(1) Parking Space Setback from a Lot Line,

5.10.90.10 (1)( C) Loading Space Location,  
15.5.30.40 (2) Parts of Platforms that are Not Permitted Encroachments,  
15.5.30.40(3) Ancillary Buildings and Structures,  
15.5.40.10(1) Determining the Height of a Principal Building,  
15.5.40.60 Permitted Encroachments,  
15.5.50.10 Landscaping,  
15.10.20.10 Principal Use,  
15.10.20.20 Principal Use – Conditional,  
15.10.20.30 Ancillary Use,  
15.10.30.10(1)(A) and (B) Minimum Lot Area,  
15.10.30.20 Frontage,  
15.10.30.40 Coverage,  
15.10.40.10 Height,  
15.10.40.40 Floor Area,  
15.10.40.50 Amenity Space,  
15.10.40.70 Setbacks,  
15.10.40.80 Separation,  
15.10.80.1(3) Bachelor Unit Size for Parking Space Calculation,  
15.10.100.1(1) (B) Driveway Width,  
200.5.10.1 (1) Parking Space Rates,  
220.5 Regulations applying to Loading Spaces,  
230.5 General Regulations applying to All Bicycle Parking Spaces,  
230.20.1.10 Rates,  
230.20.1.20 (3), Location Relative to Building Entrance, and  
800.50(310) the definition of "Gross Floor Area",

shall apply to prevent the erection and use of **dwelling units** in an **apartment building** on the **lot** if there is compliance with the following:

- (i) the **lot** consists of at least the lands delineated by dashed lines on Diagram 1 of By-law No. **xxx-2011**;
- (ii) a **dwelling unit** in an **apartment building** and those uses **ancillary** to it are the only uses permitted on the **lot**;
- (iii) the height of the **building** is measured from a geodetic elevation of 181.0 metres;
- (iv) a minimum 2,125 square metres of the **lot area** must be used for **landscaping**;
- (v) the minimum required **building setbacks** are those distances shown on Diagram “2” of By-law No. **xxx-2011**, and apply to any portion of a **building** or **structure** above or below the geodetic elevation of 181.0 metres;
- (vi) the following elements of a **building** or **structure** may encroach into the **building setbacks** shown on Diagram “2” of By-law No. **xxx-2011** as follows:
  - (a) canopies, balconies, porches, steps, railings chimneys and architectural roof elements may encroach a maximum of 2.0 metres;
  - (b) exterior stairways; and
  - (c) only a **parking garage** may encroach to no closer than 0.5 metres from the property line provided that it is below a geodetic elevation of 178.0 metres and the adjacent ground level.
- (vii) architectural roof overhang features, balconies and canopies shall not extend more than 2.0 metres horizontally from a **main wall**;
- (viii) **building setbacks** shown on Diagram “2” of By-law No. **xxx-2011** do not apply to **ancillary structures** such as vents, air shafts, transformer vaults and stairwells which may project above grade;
- (ix) 13,088 square metres is the maximum gross floor area permitted, and up to an additional 1,310 square metres of gross floor area is permitted subject to subsection (xviii) of this exception and the owner providing the facilities,

services and matters as set out in Section 4 of By-law No. xxx-2011,

- (x) the maximum **lot coverage** is 50%;
- (xi) the maximum number of **dwelling units** on the **lot** is 175;
- (xii) a minimum of 1.5 square metres per **dwelling unit** of indoor **amenity space** must be provided for the use of all occupants within the **building**;
- (xiii) the maximum **building** height of any portion of the **building** or **structure** must not exceed the height in metres or **storeys**, whichever is lesser, as shown for that portion of the **building** or **structure** on Diagram “2” of By-law No. xxx-2011 subject to the following:
  - (a) enclosures for rooftop mechanical and elevator equipment may exceed the maximum **building** height shown on Diagram “2” of By-law No. xxx-2011 by a maximum of 5.0 metres if such enclosures are located within the areas shown as “Mechanical Penthouse”;
  - (c) roof top trellises and outdoor recreational and landscape features may exceed the maximum **building** height shown on Diagram “2” of By-law No. xxx-2011 by a maximum of 3.5 metres; and
  - (d) skylights and parapets may exceed the maximum **building** height shown on Diagram “2” of By-law No. xxx-2011 by a maximum of 0.5 metres;
- (xiv) the maximum number of **storeys** is 7, which excludes the “Mechanical Penthouse” as a **storey** and one **storey** below the geodetic elevation of 181.0 metres;
- (xv) **parking spaces** must be provided in accordance with the following:
  - (a) a minimum of 100 **parking spaces**, of which 15% of the **parking spaces** must be for the use of visitors; and
  - (b) a maximum of 195 **parking spaces**, of which a minimum of 17 must be for the use of visitors;

- (xvi) a minimum of 100 **bicycle parking spaces** must be provided, of which a minimum of 10 **bicycle parking spaces** must be in a bicycle room located on the ground floor;
  - (xvii) one **loading space** having minimum dimensions of 4.0 metres x 13.0 metres and a minimum vertical clearance of 6.1 metres must be provided; and
  - (xviii) pursuant to Section 37 of the *Planning Act*, and subject to compliance with the provisions of this By-law, the height and density of the development is permitted to increase beyond that otherwise permitted on the **lot** by this By-law and in return the owner shall, at its sole expense, provide the City with the facilities, services and matters set out in Section 4 of By-law No. xxx-2011 and enter into an agreement with the City respecting such facilities, services and matters. The agreement shall be registered on title to the **lot** as a first charge at the owner's sole expense, and such agreement and registration shall be to the satisfaction of the City Solicitor.
- (B) Despite any severance, partition or division of the **lot**, the regulations of this Exception shall continue to apply to the whole of the lands as if no severance, partition or division had occurred.
- (C) For the purpose of this Exception, the following definition shall apply:
- (i) "gross floor area" means the total area of all of the floors of a **building** or **structure** measured from the outside of the exterior walls, including indoor residential **amenity space** and locker areas, but excluding:
    - (a) any floor area used for motor **vehicle parking spaces**, including **ancillary** areas, ramps, and **driveways**;
    - (b) any floor area used for mechanical equipment or elevators;
    - (c) any floor area used for stair enclosures providing access to the roof of the **building** or **structure**;
    - (d) any floor area of unenclosed terraces or balconies; and
    - (e) any floor area used for **bicycle parking spaces**."
9. (A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with the provisions of this By-law, the increase in height and density of development on the **lot** as set out in subsection ( B) below is permitted in

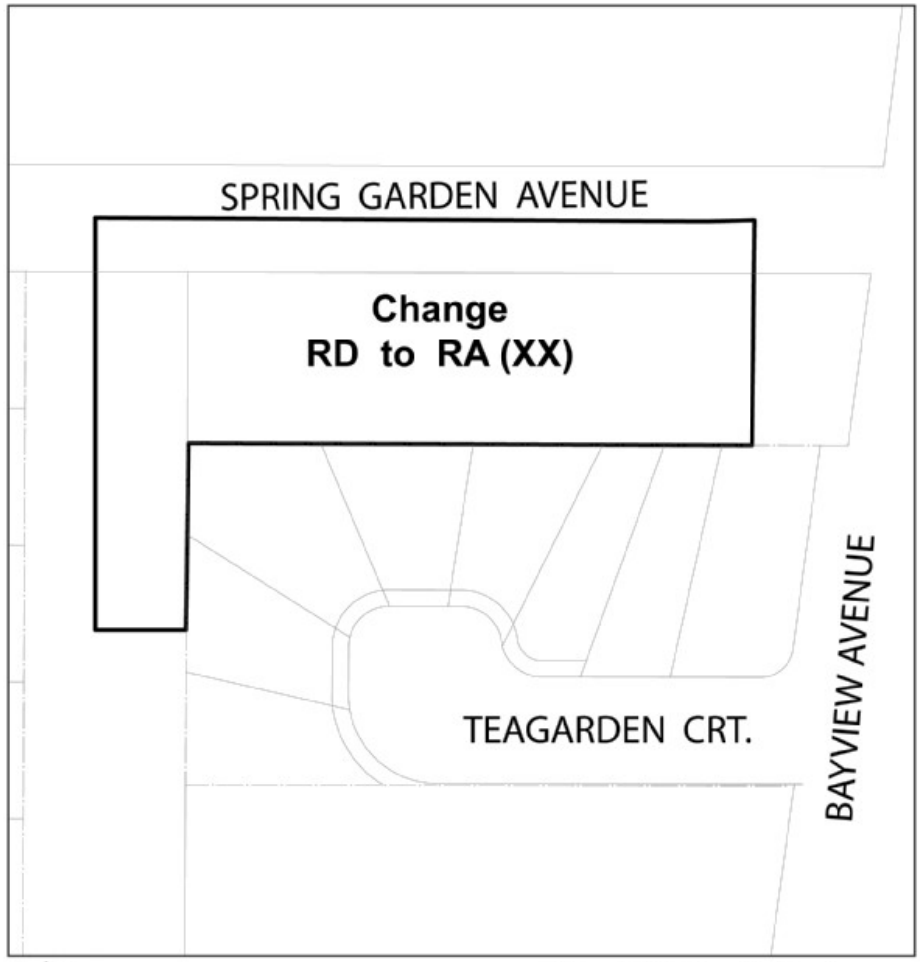
return for the provision by the owner of the following facilities, services and matters to the City at the owner's sole expense:

- (i) prior to issuance of a building permit, the owner must submit by cash or certified cheque a monetary contribution equal to the market value, as determined by the Director of Real Estate, corresponding to a maximum of 883 square metres of additional gross floor area, and that contribution will be used at the discretion of the City towards the cost of constructing and equipping a public community centre and/or social facility as identified in Section 4.3.3. of the Sheppard East Subway Corridor Secondary Plan; and
  - (ii) the owner must 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 to secure:
    - (a) the matters provided for in subsection 4 (i) (a) above;
    - (b) the provision and maintenance by the Owner of a corresponding amount of indoor amenity space of not less than 1.5 square metres per dwelling unit and up to a maximum of 427 square metres.
- (B) Notwithstanding the maximum gross floor area of 13,088 square metres permitted in subsection A(ix) to Exception RA XXX of By-law No. xxx-2011, additional gross floor area up to a maximum of 1,310 square metres may be permitted on the lot as follows:
- (i) up to a maximum of 883 square metres attributable to the corresponding monetary contribution paid prior to issuance of a building permit as specified in subsection 4(A)(i) above; and
  - (ii) up to a maximum of 427 square metres attributable to the provision and maintenance of a corresponding amount of indoor amenity space specified in subsection 4 (A)(ii)(b) above.
5. Terms and phrases that are bolded in this By-law shall, unless otherwise defined herein, be defined in accordance with the definitions in the Zoning By-law for the City of Toronto, being By-law No. 1156-2010, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 2011.

ROB FORD,  
Mayor  
(Corporate Seal)

ULLI S. WATKISS  
City Clerk



 **TORONTO** City Planning  
Diagram 1

393 - 403 Spring Garden Avenue

File # 10 129149 NNY 23 02

Approved by: R.G.

  
City of Toronto By-Law 1156-2010  
Not to Scale  
03/01/2011





## **Attachment 14: Draft Conditions of Site Plan Approval**

Plan Number	Plan Title	Author Date
SP-01	Site Plan & Statistics	Kirkor Architects & Planners Date stamped Jan 05, 2011
SP-02	Underground Parking Level P3, P2 and P1 Plans	Kirkor Architects & Planners Date stamped Jan 05, 2011
SP-06	North, South, East & West Elevations	Kirkor Architects & Planners Date stamped Jan 05, 2011
SP-16	Shared Driveway Site Plan	Kirkor Architects & Planners Date stamped Feb 08, 2011
GR-1	Site Grading Plan	The Municipal Infrastructure Group Date stamped Jan 14, 2011
L.1	Landscape Plan	Stantec Consulting Date stamped Jan 05, 2011
L.3	Landscape Details	Stantec Consulting Date stamped Jan 05, 2011
L.4	Landscape Details	Stantec Consulting Date stamped Jan 05, 2011

### **DRAFT PRE-APPROVAL CONDITIONS**

Once the Owner has satisfied all of the pre-approval conditions, the Director of Community Planning will be in a position to issue approval of the plans and drawings.

### **LEGAL SERVICES**

- Enter into the City's standard site plan agreement to and including registration of the site plan agreement on title to the subject lands by the City at the Owner's expense.

### **CITY PLANNING**

- Submit financial security to the Director of Community Planning North York District in the form of a Letter of Credit or certified cheque in the amount equal to 75% of the value of the work, not including the work within the City's lands, to guarantee the provision of landscape development works as detailed in the approved Landscape Plan (L.1).

### **Public Access Surface Easement**

- Submit to the Director of Community Planning North York District for review and approval prior to depositing in the Land Registry office a draft reference plan of survey, in metric units and integrated with the Ontario Co-ordinate System, showing as separate PARTS thereof of the lands for the public access walkway around the building to be conveyed to the City.
- Prepare all documents and convey to the City, for nominal consideration, a surface easement for public pedestrian access over the walkway as shown on the approved plans and drawings, including provision of support rights, minimum

illumination and ongoing maintenance to municipal standards as applicable and all to the satisfaction of the Director of Community Planning, North York District. The easement shall be conveyed free and clear of all title and physical encumbrances except for those landscaping elements, lighting and planters as shown on the approved plans and drawings, to the satisfaction of the Director of Community Planning and the City Solicitor. The owner shall pay all costs for preparation and registration of applicable reference plan(s).

### **TECHNICAL SERVICES**

- Address all comments in the March 21, 2011 (Revised) memorandum from the Manager of Development Engineering, North York District.

#### Facilities to Provide Access to and from the Land

- Submit to the City confirmation that a private shared driveway access easement will be registered on title of the lands west of the subject site also proposed to be redeveloped (17-23 Clairtrell Road and 391 Spring Garden Avenue) for the shared driveway access as noted on SP-16. Any maintenance or cost sharing agreements in connection with a private easement between landowners remain the sole responsibility of the property owners.

#### Walkway and Walkway Ramps

- Submit financial security to the Executive Director, Technical Services, in the form of a certified cheque(s) or a Letter(s) of Credit, to guarantee performance of the following works:
  - Construction of a 1.7 metre wide sidewalk across the entire Spring Garden Avenue frontage of the site and extending to Bayview Avenue. The cost of this work is estimated to be \$31,875.00
- Submit to the Technical Services Division a certified cheque for \$1,800.94 representing the 5% Engineering review fee of the above construction works including HST.

#### Grading and Provision for the Disposal of Storm, Surface and Wastewater from the Land

- Submit to the MOE, insurance certificate and other required permits as per the Municipal Infrastructure Agreement with the City of Toronto.
- Submit financial security to the Executive Director, Technical Services, in the form of a certified cheque(s) or a Letter(s) of Credit, to guarantee performance of the following works:
  - The construction and other related works of the sanitary sewer main from the site to the existing sanitary maintenance hole on Clairtrell Road as per approved drawings and reports. Engineering drawings and reports are to be submitted for review and approval and a cost estimate of the approved works prepared for review and approval.
  - The removal and restoration of the section of the existing sanitary main on the approved drawings and reports.

- The disconnection and reconnection and other related works for the existing sanitary connection from St. Gabriel School from the existing sanitary main to the proposed sanitary main in the approved drawings and reports.
- The storm and water services from the property line to the Municipal main that also will be constructed through a Municipal Infrastructure Agreement (MIA).
- These works shall be constructed by the owner anytime after the Zoning By-law Amendment comes into effect provided:
  - The owner sign and adhere to the Municipal Infrastructure Agreement;
  - The owner pay an engineering review fee of 5% of the estimated construction cost of the required works in the form of a certified cheque.

#### **ENERGY EFFICIENCY OFFICE**

- Submit a Final Design Stage Energy Modeling Report to the satisfaction of the Executive Director, Facilities Management Division.

#### **URBAN FORESTRY**

- Address all comments in the March 11, 2011 memorandum from the Supervisor, Tree Protection and Plan Review, North York District.
- Revise Landscape Plan L.1 to increase street tree spacing from 7.0 metres to between 8 and 10 metres
- Revise the street tree species.
- Submit security deposits and payments to the attention of the Supervisor Tree Protection and Plan Review, North York District, in the form of a certified cheque(s) or a Letter(s) of Credit, to secure the following works:
  - Tree Survival security deposit/Guarantee of \$9,769 for the protection of 3 City-owned trees
  - Tree Planting security deposit of \$583.00 per tree
  - Application and fee of \$7,800 to remove and/or injure 26 privately-owned trees
  - Payment of \$5,247 in lieu of planting 9 trees on private property
- Submit Letters of Consent from neighbouring landowners for all respective boundary trees to the Supervisor, Tree Protection and Plan Review, North York District.

#### **DRAFT POST APPROVAL CONDITIONS**

The following post approval conditions are to be fulfilled by the Owner following site plan approval and will be incorporated into a site plan agreement:

- Construct and maintain the proposed development in accordance with the plans and drawings referred to herein, to the satisfaction of the City of Toronto.

## CITY PLANNING

### Landscaping

- Provide and maintain the landscaping for the lands in accordance with the approved landscape plans to the satisfaction of the Director of Community Planning, North York District.

### Public Access Surface Easement – Pedestrian Walkway

- Construct and maintain the public Pedestrian Walkway over PART X Plan XXXR-XXXXX as shown on the approved plans and drawings listed herein to the satisfaction of the Director of Community Planning, North York District.
- The Owner hereby agrees that, in addition to any other indemnification requirements of this agreement, in respect of the Easement Lands and Pedestrian Walkway, for itself as well as for its successors and assigns, that it will, from time to time and at all times, hereafter save, keep harmless, and fully indemnify the City, its elected officials, officers, employees and agents from and against all causes of action, suits, proceedings, claims and demands whatsoever which may be brought against or made upon the City, its elected officials, officers, employees and agents and against all loss, liability, judgments, costs, charges, demands, damages or expenses which the City, its elected officials, officers, employees and agents may sustain, suffer or be put to resulting from or rising out of:
  - the failure of the Owner to maintain the Easement Lands or the Pedestrian Walkway constructed thereon;
  - the failure of the Owner to design, construct or maintain the lands and structures supporting the Easement Lands and the Pedestrian Walkway in accordance with the requirements herein stated; and
  - any loss, damage or injury (including death resulting from injury) to any person, or property, howsoever caused directly or indirectly, resulting from or sustained by reason of any act or omission of the Owner or any person for whom it is in law responsible in connection with the Easement Lands or making the Pedestrian Walkway available as a publicly accessible open space.
- Take out and maintain, at its expense, commercial general liability insurance with respect to the Easement Lands and Pedestrian Walkway acceptable as to form, limits and conditions to the City for a limit of not less than Five Million dollars (\$5,000,000.00) per occurrence (such limit be increased from time to time to reflect an amount which would be maintained by a prudent owner as determined by the City) covering possible damages, losses, claims and expenses for or in connection with any personal injury, death or property damage that might be incurred on or about the City Easement. The insurance policy shall include the City as an additional insured and shall contain a cross-liability and severability of interest clause and include contractual liability coverage. The insurance policy shall provide that any breach of a condition of the policy by an insured shall not affect the protection given by the policy to any other insured. The insurance

policy shall contain a clause providing that the insurer will not cancel or refuse to renew the said insurance without first giving the City thirty (30) days prior written notice thereof. The Owner shall supply the City with satisfactory evidence of such insurance upon request by the City, and a certificate of insurance shall be remitted to the Chief Planner within thirty (30) days of issuance and evidence of continuance shall be remitted to the City at least thirty (30) days prior to the expiration of any insurance policy.

## **TECHNICAL SERVICES**

### Facilities to Provide Access to and from the Land

- Provide prior to the registration of any condominium on the lands, and maintain the private shared driveway access easement registered on title of the lands immediately adjacent to the west and municipally known as 17-23 Clairtrell Road and 391 Spring Garden Avenue as shown on the approved plans and drawings. Approvals and any maintenance or cost sharing agreements in connection with a private easement between landowners remain the sole responsibility of the property owners.
- Provide and maintain traffic operations measures/facilities as recommended in the accepted Parking Review as updated, prepared by HDR iTrans and dated January 4, 2011, to the satisfaction of the Executive Director of Technical Services.
- Provide and maintain that portion of the proposed driveway within City lands with a downward grade towards the traveled portion of the roadway at a slope of not less than 2% and not more than 6%.
- Remove all existing accesses, curb cuts, traffic control sign, etc. along the development site frontage that are no longer required and reinstate the boulevard within the right-of-way, in accordance with City standards and to the satisfaction of the Executive Director of Technical Services.

### Off-street Vehicular Loading and Parking Facilities and Access/Driveways

- Provide and maintain off-street vehicular loading and parking facilities and access driveways in accordance with the approved plans and drawings, to the satisfaction of the Executive Director, Technical Services.
- Provide and maintain the asphalt, concrete, interlocking stone or permeable pavers within driveways and parking areas as shown on approved plans and drawings.
- Provide and maintain appropriate on-site directional signage and pavement markings such as but not limited to: vehicle stopping and circulation, designated disabled parking, loading, and pedestrian walkways, to the satisfaction of the Executive Director, Technical Services.

### Walkway and Walkway Ramps

- Provide and maintain driveway curbs flush on either side of the public sidewalk for a minimum of 0.45 metres.

#### Grading and Provision for the Disposal of Storm, Surface and Wastewater from the Land

- Construct and maintain stormwater management measures/facilities and site grading as recommended in the accepted Stormwater Management Report and approved Grading Plans.
- Construct and maintain site servicing indicated on the accepted Site Servicing Drawings.
- Provide certification to the Executive Director of Technical Services by the Professional Engineer who designed and supervised the construction that the stormwater management facilities and site grading have been constructed in accordance with the accepted Stormwater Management Report and the accepted Grading Plans.
- Provide certification to the Executive Director of Technical Services by the Professional Engineer who designed and supervised the construction, that the site servicing facilities have been constructed in accordance with the accepted drawings.
- The Owner agrees to not alter existing drainage patterns on adjacent properties and that stormwater runoff from the subject development shall not be directed to drain onto adjacent properties.

#### Facilities for the Storage of Garbage and Other Waste Material

- Construct and maintain all facilities necessary to permit the City to collect solid waste and recyclable materials.
- Where City collection vehicles are required to drive onto or over a supported structure (such as an underground parking garage) the structure shall be designed to accommodate the collection vehicle weight, and prior to commencement of City solid waste pick up to the site, provide the City with a letter certified by a qualified Engineer that the structure can safely support a fully loaded collection vehicle weighing 35,000 kilograms.
- The collection staging area shall not require the jockeying of bins by the driver of the collection vehicle and, where jockeying of bins is necessary, a custodial staff person must be on site for this purpose.
- Provide and maintain the waste diversion system for multiple household residential buildings as a single chute with a tri-sorter.

#### Boulevard Maintenance

- Maintain the sodded areas and entrance walkways to the development that are located within the City's right-of-way fronting the site in accordance with the approved plans and drawings to the satisfaction of the City.

#### **ENERGY EFFICIENCY OFFICE**

- Construct and maintain the development substantially in accordance with the accepted Energy Report to ensure that the energy savings identified continue to be achieved, to the satisfaction of the Executive Director, Facilities Management Division.

## **CANADA POST**

- Provide and maintain a mail facility to Canada Post specifications in a central location that is readily accessible to occupants, Canada Post delivery personnel and persons with physical disabilities.