

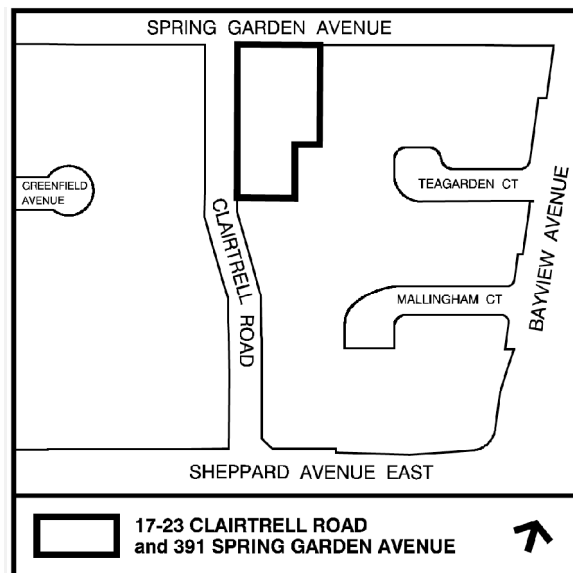
**17, 19, 21, 23 Clairtrell Road and
391 Spring Garden Avenue
Official Plan Amendment, Zoning By-law Amendment
and Site Plan Control Applications
Supplementary Final Report**

Date:	March 1, 2011
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	07 288764 NNY 23 OZ and 07 288769 NNY 23 SA

SUMMARY

A statutory public meeting was held by North York Community Council on August 17, 2010 respecting the proposed development of a residential apartment building of 7 storeys, 128 units and a density of 2.95 times the area of the lot on the five residential lots at 17, 19, 21, 23 Clairtrell Road and 391 Spring Garden Avenue. At its meeting commencing on August 25, 2010 City Council adopted the recommendations in the Final Planning Report to amend the Official Plan and former City of North York Zoning By-law No. 7625 to permit the proposed development. The enactment of the Bills was to be held until the Section 37 Agreement and Site Plan approval conditions had been finalized.

At that same meeting, on August 27, 2010, City Council subsequently enacted the new consolidated Zoning By-law for the City of Toronto No. 1156-2010 which is currently under appeal to the Ontario Municipal Board. After the date of enactment of By-law 1156-2010, and until all the appeals to



the Ontario Municipal Board are completed or withdrawn, both the zoning by-laws of the former municipalities and new city-wide Zoning By-law are potentially in effect for sites that are subject to the new Zoning By-law No. 1156-2010. To obtain a building permit after August 27, 2010, the project must be recognized by amendments to both the in force By-law No. 7625 (as presented at the August 17, 2010 public meeting) and the newly enacted Zoning By-law No. 1156-2010 (which is under appeal).

This report recommends Council approval of a parallel amendment to the new Zoning By-law No. 1156-2010 to provide for the same site specific development permissions to those contemplated in the approved amendment to the North York Zoning By-law No. 7625. City Staff recommend that, pursuant to subsection 34(17) of the *Planning Act*, a second statutory public meeting to amend the new Zoning By-law No. 1156-2010 is not necessary and that Council determine that no further notice is required.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law No. 1156-2010 for the property at 17, 19, 21, 23 Clairtrell Road and 391 Spring Garden Avenue substantially in accordance with the draft Zoning By-law Amendment in Attachment No. 2 to this report.
2. Before introducing the necessary Bill to City Council for enactment, City Council determine whether further notice is required in respect of the two proposed amending zoning by-laws, pursuant to subsection 34(17) of the *Planning Act* R.S.O. 1990, c. P.13
3. City Council adopt the recommendation of City Staff that, pursuant to subsection 34(17) of the *Planning Act*, no further notice of the proposed amendment to the new Zoning By-law 1156-2010 is required.
4. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required to implement the intent of this report.
5. The Bill amending the new Zoning By-law for the City of Toronto No.1156-2010 be introduced to City Council for enactment at the same meeting as the Bill is introduced amending former North York By-law No. 7625 for 17, 19, 21, 23 Clairtrell Road and 391 Spring Garden Avenue pursuant to Item NY36.70 adopted by City Council at its meeting August 25, 26 and 27, 2010.
6. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to enter into an agreement pursuant to Section 37 of the *Planning Act* to the satisfaction of the City Solicitor to provide the following services, facilities or matters:

- a. indoor amenity space up to a maximum of 255 m²; and
 - b. a monetary contribution equal to the market value corresponding to a maximum of 2,884 m² additional gross floor area as determined by the Director of Real Estate which shall 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.
7. Before introducing the necessary Bills to City Council for enactment, City Council require that the Notice of Approval Conditions for the Site Plan have been issued, which among other matters, will provide for:
- a. a shared driveway access with the lands east of the subject site (municipally know as 393-403 Spring Garden Avenue) also proposed to be redeveloped; and,
 - b. a 3 metre wide publicly accessible pedestrian walkway at the south end of the site and conveyance of an easement in favour of the City.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In August 2010, City Council adopted the recommendations of North York Community Council to amend the Official Plan and Zoning By-law No. 7625 to permit the proposed development at 17, 19, 21, 23 Clairtrell Road and 391 Spring Garden Road.

The Council item is at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.NY36.70>

At that same meeting City Council subsequently enacted the new city-wide City of Toronto Zoning By-law 1156-2010 (“Toronto Zoning By-law”). The Toronto Zoning By-law applies to part of the subject site. Appeals are now before the Ontario Municipal Board. No hearing dates have been set. The Council Minute is at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.PG40.10>

ISSUE BACKGROUND

North York Community Council held a statutory public meeting on August 17, 2010 with respect to amendments to the Official Plan and North York Zoning By-law No. 7625 to permit the development. Notice was given in accordance with the *Planning Act*. Three e-mail communications were received from adjacent landowners prior to the public meeting and no deputations were made to North York Community Council. City Council subsequently adopted the Final Planning Report and recommendations at its meeting that commenced August 25, 2010. The Bills were to be submitted once the owner had entered into a Section 37 Agreement and Notice of Approval Conditions for site plan approval had been issued.

On August 27, 2010 City Council passed By-law No. 1156-2011, the new Zoning By-law for the City of Toronto. None of the previous in-force general zoning by-laws of the former municipalities were repealed. After the date of enactment of By-law No. 1156-2011, and until all the appeals to the Ontario Municipal Board are completed or withdrawn, both the in-force zoning bylaws and the new Zoning By-law apply to respective sites throughout the City, unless a site has been exempted from the provisions of the new Zoning By-law. During this interim period, the Chief Building Official must consider both former by-laws and the new Zoning By-law when processing building permit applications. To receive a building permit for a development project after August 27, 2010, the required zoning permissions must be recognized by both the former and the new zoning by-laws.

In this case, only 17 Clairtrell Road was identified as not being part of the new Zoning By-law, with the remainder of the site being subject to it. Due to the partial inclusion of the lands within the subject site, the owner has appealed the new Zoning By-law to the Ontario Municipal Board. In these circumstances, it is appropriate to enact a parallel site specific amendment to the new Zoning By-law to bring the entire site into the new Zoning By-law and implement similar site specific zoning regulations for the site, including the Section 37 requirements, as were previously considered and adopted by Council with respect to the former North York By-law No. 7625.

The amendment to the new Zoning By-law for the City of Toronto attached to this report permits the same development permissions considered at the August 17, 2010 statutory public meeting and as approved by Council in the context of the Official Plan amendment and amendment to the former North York By-law No. 7625. Staff recommend that pursuant to subsection 34(17) of the *Planning Act*, City Council determine that a second statutory public meeting and further notice to amend the new Zoning By-law in this manner is not required.

CONTACT

Robert Gibson, Senior Planner
Tel. No. 416.395.7059 Fax No. 416.395.7115
E-mail: rgibson@toronto.ca

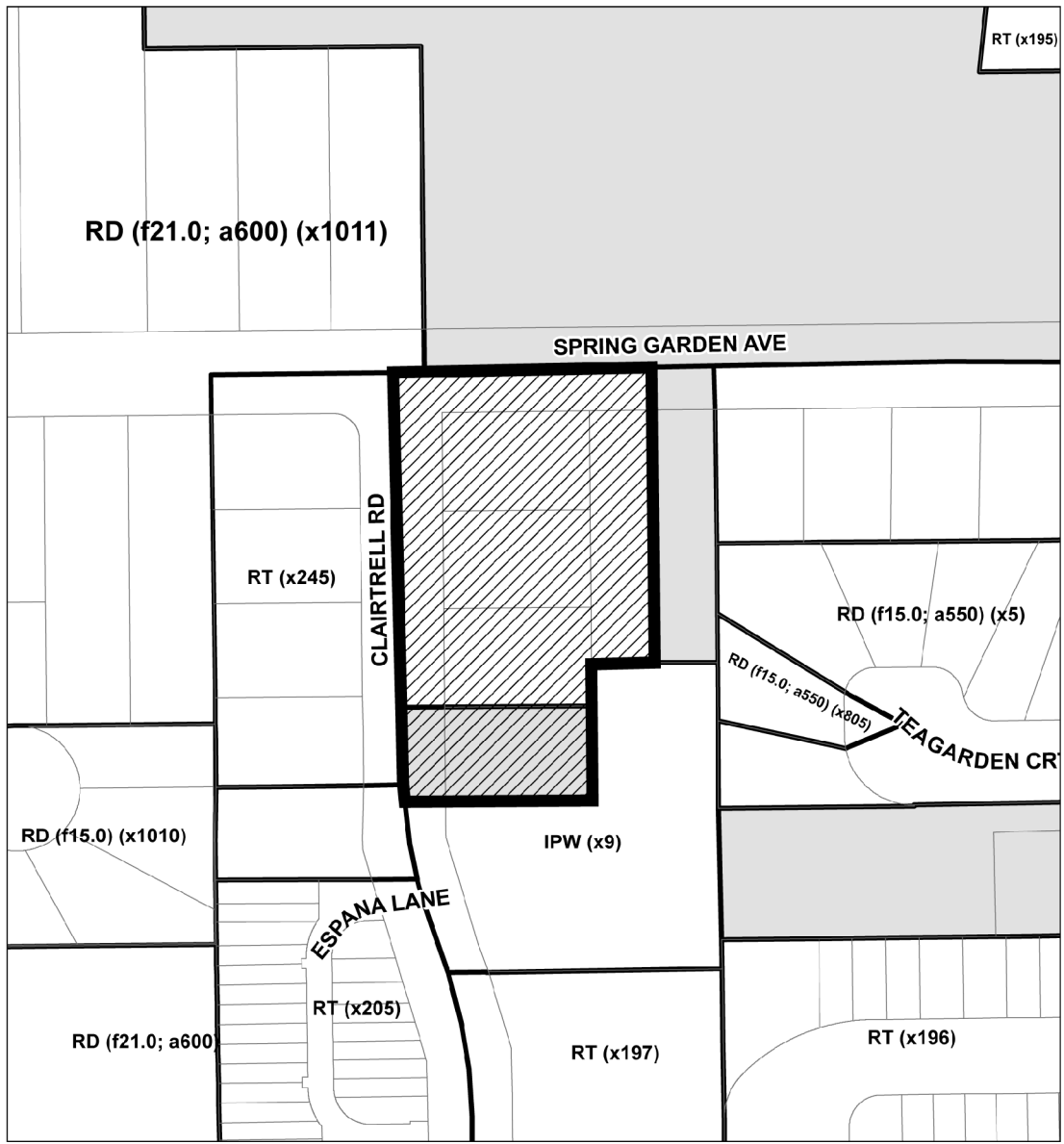
SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: City of Toronto Zoning By-law 1156-2010 - RD (f21.0; a600) (x1011)
Attachment 2: Draft Zoning By-law Amendment to Toronto By-law 1156-2010

Attachment 1: City of Toronto Zoning By-law 1156-2010 – RD (f21.0; a600) (x1011)



TORONTO City Planning
Zoning By-law 1156-2010

17-23 Clairtrell Road & 391 Spring Garden Avenue

File # 07 288764 NNY 23 OZ

- Subject Site
- R Residential Zone
- RD Residential Detached Zone
- RT Residential Townhouse Zone
- IPW Institutional Place of Worship Zone

Not Part of Zoning By-law 1156-2010



Not to Scale

Extracted 01/06/2011

Attachment 2: Draft Zoning By-law Amendment to Toronto By-law 1156-2010

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 17, 19, 21 and 23
Clairtrell Road and 391 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 17, 19, 21 and 23 Clairtrell Road and 391 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 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 lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

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:

1. The lands subject to this By-law are outlined by the heavy line on Diagram "1" attached;
2. 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 (f50.0;a4000)(x757);
 - 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;
3. By-law No. 1156-2010, as amended, is further amended by adding **Exception RA 757** to Article 900.7.10 so that it reads:

Exception RA 757 -17, 19, 21 and 23 Clairtrell Road and 391 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,

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 – RA Zone,
15.10.20.20 Principal Use – Conditional – RA Zone,
15.10.20.30 Ancillary Use – RA Zone,
15.10.30.10(1)(A) and (B) Minimum Lot Area,
15.10.30.20 Minimum Lot Frontage,
15.10.30.40 (1) Maximum Lot 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 181.4 metres;
- (iv) a minimum 1,300 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 the geodetic elevation of 181.4 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) an architectural roof overhang feature may encroach a maximum of 2.0 metres;
 - (b) a balcony may encroach a maximum of 2.0 metres;
 - (c) a canopy may encroach a maximum of 2.3 metres;
 - (d) exterior stairways; and
 - (e) belt courses, chimney breasts, cornices, eaves or gutters, pilasters and sills may encroach a maximum of 0.5 metres;
- (vii) architectural roof overhang features, balconies and canopies shall not extend more than 2.3 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) 9,513 square metres is the maximum gross floor area permitted, and an additional 3,139 square metres of gross floor area is permitted provided the owner provides for the facilities, services and matters as set out in **(xviii)** of By-law No. **xxx-2011**,
- (x) the maximum **lot coverage** is 65%;

- (xi) the maximum number of **dwelling units** on the **lot** is 140;
- (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 5.4 metres if such enclosures are located within the areas shown as “Mechanical Penthouse”;
 - (b) stair enclosures providing access to the roof of the **building** may exceed the maximum **building** height shown on Diagram “2” of By-law No. xxx-2011 by a maximum of 4.2 metres; and
 - (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;
 - (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**;
- (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 196 **parking spaces**, of which 15% of the **parking spaces** 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 3.6 metres x 11.0 metres and a minimum vertical clearance of 4.2 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**.

4. 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** is permitted as set out below in return for the provision by the owner of the following facilities, services and matters to the City at the owner's sole expense:

- (1) additional gross floor area of up to 3,139 square meters is permitted as follows:
 - i. up to a maximum of 2,884 square metres of additional gross floor area above the 9,513 square metres permitted in section

3(A)(ix) hereof is permitted provided that, prior to issuance of any building permit other than a demolition permit, the owner submits by cash or certified cheque a monetary contribution equal to the market value, as determined by the Director of Real Estate, corresponding to the additional gross floor area up to a maximum of 2,884 square metres, 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. up to a maximum of 255 square metres of additional gross floor area above the 9,513 square metres permitted in section **3(A)(ix)** hereof is permitted provided that the owner provides and maintains a corresponding amount of indoor **amenity space** of not less than 1.5 square metres per **dwelling unit** and up to a maximum of 255 square metres.

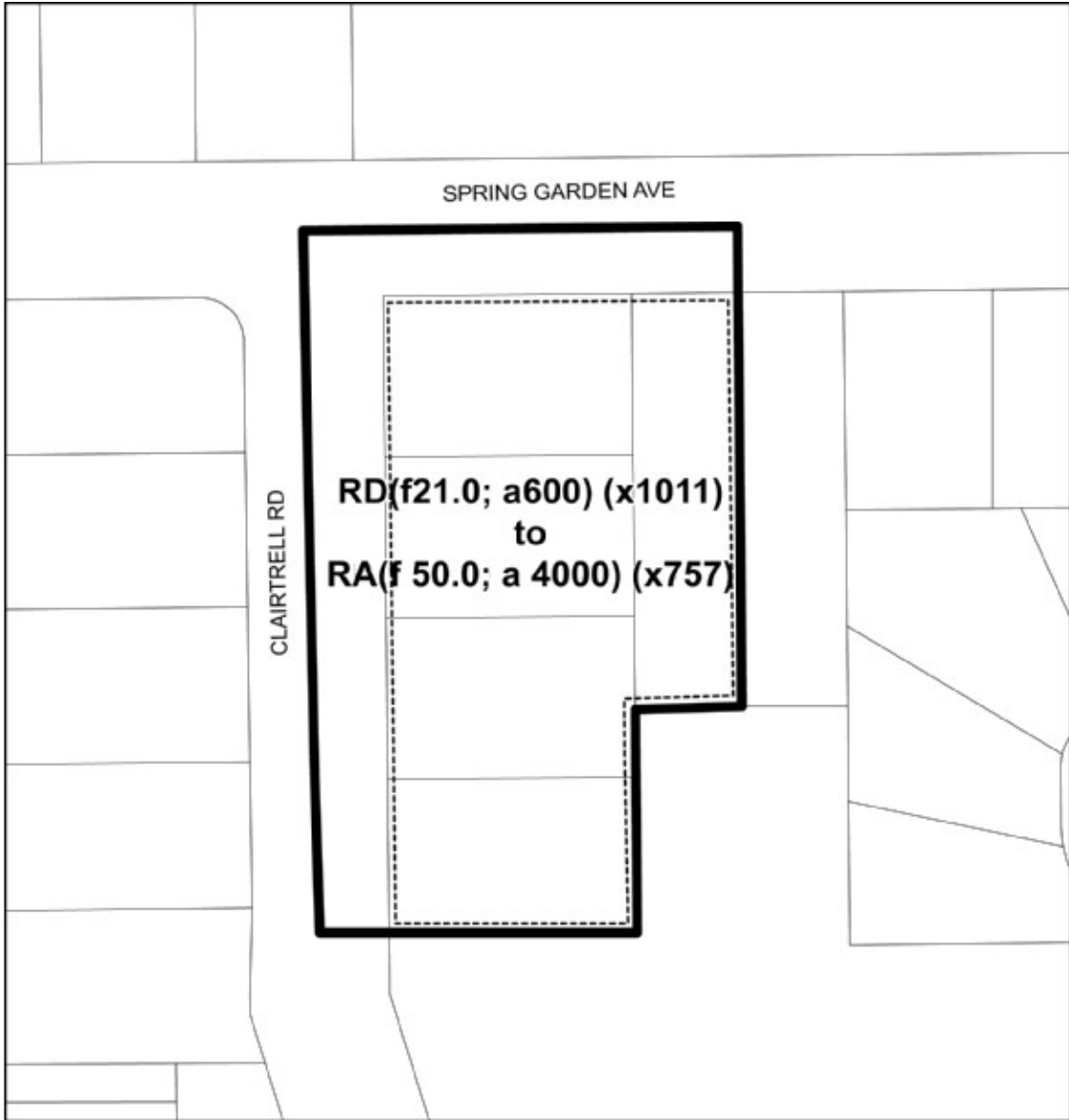
- (2) the owner must enter into one or more agreements with the City, pursuant to Section 37 of the *Planning Act* which are registered on title to the lands to secure the matters provided for in (1) above.

- 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

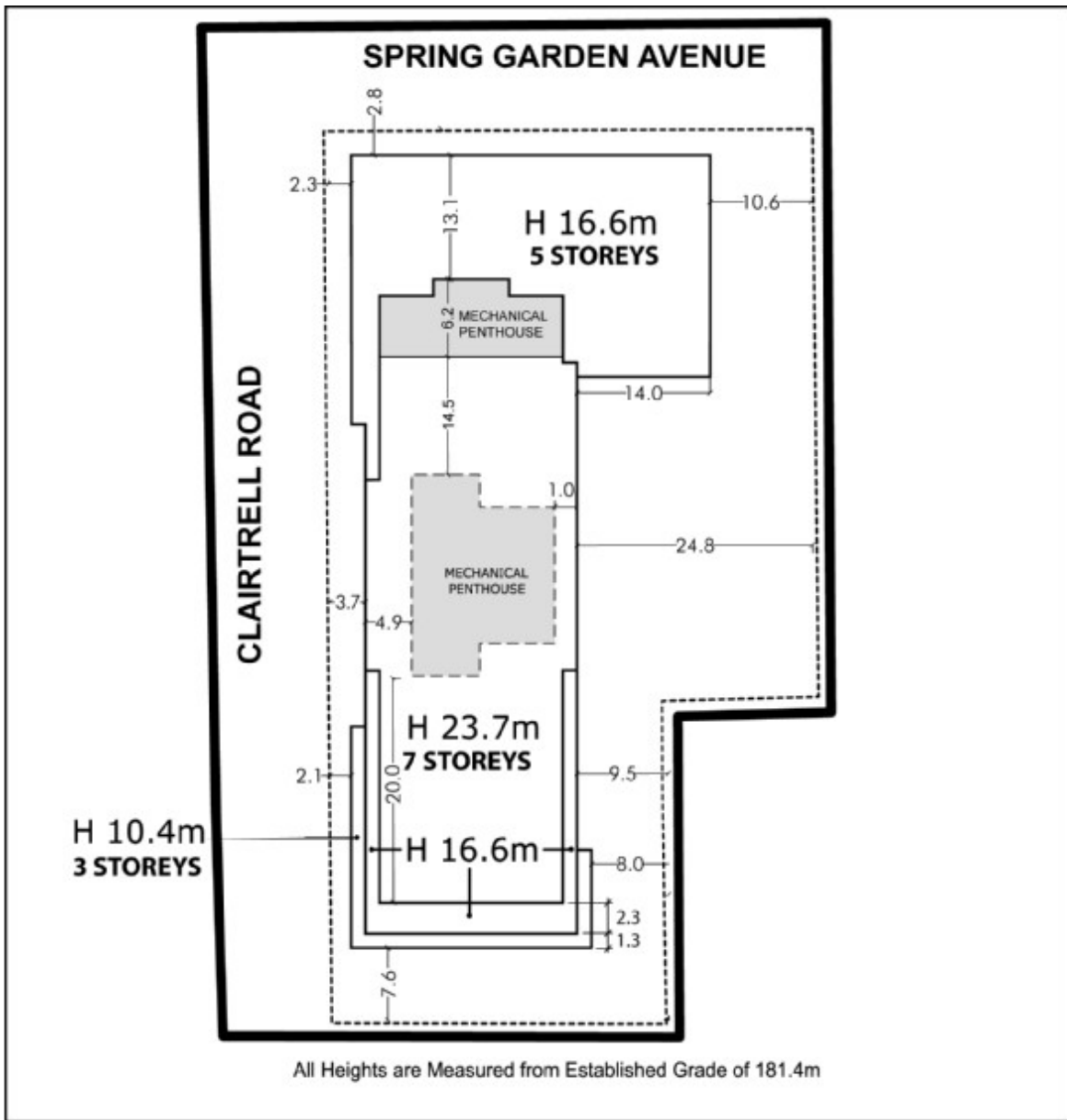
17-23 Clairtrelle Road & 391 Spring Garden Avenue

File # 07 288764 NNY 23 0Z

Approved by: R.G.

City of Toronto By-Law 1156-2010
 Not to Scale
 01/06/2011





From Applicant's Drawings

Approved by: R.G.



City of Toronto By-Law 1156-2010
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