

Clause embodied in Report No. 4 of the North York Community Council, as adopted by the Council of the City of Toronto at its meeting held on May 21, 22 and 23, 2003.

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**Final Report - UD03-FW - Emery Village Zoning -
Finch Avenue and Weston Road (Ward 7 - York West)**

(City Council on May 21, 22 and 23, 2003, adopted this Clause, without amendment.)

The North York Community Council recommends:

- (1) the adoption of the report (April 22, 2003) from the Acting Director, Community Planning, North District;**
- (2) the lands subject of the Application TB CMB 2001 0005 for 2350 Finch Avenue West submitted by Robert Reimers Architect Limited on behalf of the Ghana Amansie Canadian Multicultural Association of Toronto be removed from the Emery Village Draft Zoning By-law and be dealt with separately;**
- (3) the height map Schedule attached to the Draft Zoning By-law be amended to reflect the permitted heights of 2 to 10 storeys on the lands north of Toryork Drive and 2 to 18 storeys on the lands north of the north-west corner of Finch Avenue West and Toryork Drive;**
- (4) the proposed flag pole not exceed 125 metres and be permitted in all zones within the Emery Village Secondary Plan area;**
- (5) the proponents for the development applications located in the north-west quadrant of Finch Avenue and Weston Road and at Toryork Drive and Weston Road (TB CMB 2002 0012 and TB SPC 2002 0106) submitted by Centrillium Inc.; and the proponents for the south-east quadrant of Finch Avenue and Weston Road (UDOZ-99-06, UDSB-1245 and UDSP-99-021) submitted by Medallion Properties) each contribute \$50,000.00 towards the Emery Village Heritage and Cultural Plan and that these funds be forwarded to the Emery Village Arts and Heritage Committee once the applicant is in receipt of the permit to build;**

The North York Community Council also reports having requested that:

- (i) the petition (April 28, 2003) from the area residents, filed with the North York Community Council be forwarded to City Council for its meeting scheduled for May 21, 2003; and**

- (ii) the Acting Director, Community Planning, North District, be requested to bring forward the final report on Application TB CMB 2001 0005 submitted by Robert Reimers Architect Limited on behalf of the Ghana Amansie Canadian Multicultural Association for consideration by the North York Community Council at its meeting scheduled for June 11, 2003 meeting, if possible, or for the meeting scheduled for July 9, 2003.

The North York Community Council reports having held a statutory public meeting on May 7, 2003, and that notice was given in accordance with the Planning Act.

The North York Community Council submits the following report (April 22, 2003) from the Acting Director, Community Planning, North District, Urban Development Services:

Purpose:

This report reviews and recommends approval of an implementing Zoning By-law for lands designated Arterial Corridor Area in the Emery Village Secondary Plan, as well as a technical amendment to the Emery Village Secondary Plan to clarify matters related to density and height incentives.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former City of North York and the new Official Plan for the City of Toronto substantially in accordance with the draft Official Plan Amendments attached as Attachments No. 1 and 2.
- (2) amend the Zoning By-law 7625 for the former City of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 3.
- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendments and draft Zoning By-law Amendment as may be required.

Background:

The Finch Avenue and Weston Road area is one of four areas in the City where 'Avenues' studies were completed as part of the preparation of the



new Official Plan to establish a framework for growth and reinvestment along selected corridors of the City.

As part of the Avenues study for Finch Avenue and Weston Road, a concept plan for the area was completed in February 2001 (“The Avenues – Finch Weston, Phase II Study”) which set out principles for the preparation of a Secondary Plan. A draft Secondary Plan for the area was received by City Council at its meeting of December 4, 5 and 6, 2001 and circulated for review and comment.

Following completion of the draft Secondary Plan, further review and consultation in the area was undertaken, and a final Secondary Plan was completed and recommended for approval. This Secondary Plan, the Emery Village Secondary Plan, was adopted by City Council at its meeting of November 26, 27 and 28, 2002.

One of the objectives of all four of the Avenues studies was the preparation of zoning by-laws to implement the findings and recommendations of the studies. This implementing zoning has already been brought forward for one of the Avenues study areas (Bloor Street) and is scheduled to be brought forward for the other two studies in May and June of this year (Queensway and Kingston Road respectively). In approving the Emery Village Secondary Plan that resulted from the Finch Avenue and Weston Road Avenues study, Council directed that a zoning by-law to implement the policies of the Emery Village Secondary Plan be prepared. This report responds to that direction.

Comments:

Emery Village Secondary Plan

The Emery Village Secondary Plan includes those lands in the immediate vicinity of the Finch Avenue and Weston Road intersection. The goal of Secondary Plan is to provide for mixed use development in the area and encourage a village-like, street oriented pattern of development. The primary emphasis is on the development of commercial and residential uses to achieve a defined and improved streetscape, provide a connected street system for vehicles, bicycles and pedestrians, and ultimately reduce automobile dependency.

The majority of the lands in the Secondary Plan area are designated ‘Arterial Corridor Area’. This designation permits and encourages street related retail, service commercial and residential uses along the Finch Avenue and Weston Road frontages. This designation applies to those lands in the north-west, south-west and south-east quadrants of the Finch Avenue and Weston Road intersection. The north-east quadrant of the intersection remains designated Industrial as do those lands on the south side of Toryork Drive that are owned by the City and support the Emery Parks Yard, with the exception of those lands that form Emery Creek which have been designated Local Open Space.

Proposed Zoning

Presently, the lands within the Secondary Plan area are primarily zoned Industrial-Commercial (MC(H)) and Local Shopping Centre (C2). Both of these zoning categories permit a range of commercial and industrial uses and, in the case of the C2 zone, residential uses as well.

In order to implement the objectives of the Arterial Corridor Area designation of the approved Secondary Plan, the Zoning By-law Amendment included as Attachment 3 to this report proposes to rezone these lands to a mixed use zone (Mixed Use Commercial Zone (C5)) and, for those lands adjacent to Lindylou Park in the south-west quadrant, to a site specific multiple family dwelling zone (RM6(135)). The proposed C5 zone permits a range of commercial and residential uses, while the RM6(135) zone permits residential uses. These amendments will allow for the implementation of the Secondary Plan. As well, the zoning by-law amendment proposes an open space zone (G(12)) on those lands north of Finch Avenue that reflects the extent of the Open Space designation associated with Emery Creek.

The proposed zoning by-law amendment addresses those lands where the current zoning is not in keeping with the land use designation of the Emery Village Secondary Plan. The remaining lands within the Secondary Plan area, those designated Industrial, Public Utility, General Institutional and the Local Open Space and Valley Open Space designations south of Finch Avenue, have zoning that is in keeping with their respective designation in the Secondary Plan and, as such, do not require amendment.

Lawful Non-Conforming Uses

Where lands are currently being used for purposes that are not listed as permitted uses in the proposed zoning, they will become lawful non-conforming uses and will continue to be permitted subject to the provisions of the Planning Act. For the most part, those uses that would become lawful non-conforming uses are auto related uses such as gas stations, automobile service stations, car washes, motor vehicle repair shops and dealerships, and parking lots.

Proposed Heights & Densities

Density and height limits are illustrated on Schedule 2 of the draft zoning by-law amendment. A range of minimum and maximum height limits is proposed in accordance with the policies of the Secondary Plan. Development density is a maximum of 2.5 times the lot area.

Holding Provisions

The zoning by-law amendment contains holding provisions which identify conditions required to be fulfilled in order to permit the development of the lands in accordance with the proposed C5 zoning. These conditions relate to transportation, servicing and environmental matters and, generally, have the effect of prohibiting residential development until the conditions are fulfilled and, for other uses, limiting development until the conditions are fulfilled. Upon fulfillment of these conditions City Council may lift the 'H' symbol to allow the development of the lands in accordance with the proposed C5 zone.

In approving the Emery Village Secondary Plan, City Council directed that funding for and/or the provision of specific matters be secured as part of the implementing zoning and/or related development agreements for specific applications in the area. This direction will be addressed through the development application process for these applications.

Status of Current Development Applications in Area

Currently, there are four development applications on lands within the Emery Village Secondary Plan area, all of which are affected by the proposed zoning by-law amendment. These applications are located in the north-west quadrant of Finch Avenue and Weston Road and at Toryork Drive and Weston Road (Applications TB CMB 2002 0012 and TB SPC 2002 0106 respectively, both submitted by Centrillium Inc.); the south-east quadrant of Finch Avenue and Weston Road (Applications UDOZ-99-06, UDSB-1245 and UDSP-99-021 submitted by Medallion Properties); and, the north side of Finch Avenue west of Weston Road (Application TB CMB 2001 0005 submitted by Robert Reimers Architect Ltd. on behalf of Ghana Amansie Multicultural Association of Toronto).

These applications are currently being reviewed and evaluated. Further site specific zoning by-law amendments may be required for these applications, and will be required if these applications propose to utilize the height and density incentives set out in the Secondary Plan.

It is also noted that City Council, in approving the Emery Village Secondary Plan at its meeting of November 26, 27 and 28, 2002, directed that certain matters specific to these applications be addressed prior to the issuance of building permits for phases of development. These matters will be addressed, as necessary and appropriate, through site specific zoning, site plan approval and/ or Section 37 Agreements.

Amendment to the Emery Village Secondary Plan

In preparing the implementing zoning, it became apparent that minor amendments to the Secondary Plan would be effective in clarifying policies related to development density for those lands designated Arterial Corridor Area as well as the related density and height incentive policy.

A proposed Official Plan Amendment to the Emery Village Secondary Plan is included as Attachment 1 to this report. This amendment confirms that the permitted development density of lands designated Arterial Corridor Area is 2.5 FSI exclusive of any incentives for height and density, that the maximum permitted increases in height and density are 18 storeys and 3.0 FSI respectively, and that the floor area for private recreational uses, above and beyond that required by the zoning by-law, may be exempted from the calculation of gross floor area. As these modifications serve to clarify existing policies in the Secondary Plan, they are considered to be technical in nature. As noted above, Height and Density Incentive policies will be implemented through site specific zoning by-law amendments.

New Official Plan

The new Official Plan was approved by the Ministry of Municipal Affairs and Housing on March 17, 2003 and the City is currently awaiting notice of appeals. The Emery Village Secondary Plan is included as part of the new Official Plan.

In consolidating the Secondary Plan with the new Official Plan, changes were made to the names of the various land use designations as follows: Arterial Corridor Area is now designated Mixed Use Area with the exception of those lands adjacent to Lindylou Park which are designated Apartment Neighbourhood; Industrial Area is now designated Employment Area; and, Local Open Space is now designated Natural Areas.

As the Emery Village Secondary Plan is part of the new Official Plan, an amendment to the new Official Plan is also required to clarify the above-noted density policies. This amendment to the new Official Plan is included in Attachment 2 to this report.

The proposed zoning by-law amendment is consistent with the overall principles of the new Official Plan.

Conclusions:

The proposed zoning by-law amendment implements the Emery Village Secondary Plan which was adopted by City Council at its meeting of November 26, 27 and 28, 2002 and will facilitate development in the area consistent with the Secondary Plan objectives. The proposed amendment to the Emery Village Secondary Plan is technical in nature and serves to clarify height and density incentive policies.

Contact:

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Attachment No. 1

OFFICIAL PLAN AMENDMENT

Authority: _____ Report No. _____
Clause No. _____, as enacted by Council on _____

Enacted by Council:

CITY OF TORONTO

Bill No.

OFFICIAL PLAN AMENDMENT NO. 543
To amend the City of North York Official Plan

WHEREAS authority is given to Council by 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. 543 to the Official Plan of the City of North York, consisting of the attached schedule, is hereby adopted.
2. This By-law shall come into force and take effect on the day of the final passing thereof.

ENACTED AND PASSED this _____ day of _____, A.D. 2003

Mayor

City Clerk

PREFACE AND EXPLANATORY NOTES
TO AMENDMENT NO. 543
TO THE OFFICIAL PLAN OF THE CITY OF NORTH YORK

INTRODUCTION

The purpose of this amendment is to clarify those policies related to density and height incentives in the Emery Village Secondary Plan.

LANDS AFFECTED BY THIS AMENDMENT

This amendment concerns those lands designated Arterial Corridor Area within the Emery Village Secondary Plan.

EFFECT OF THE AMENDMENT

The effect of this amendment is to modify policies 4.1, 4.2, and 4.3 to clarify maximum permitted densities, policy 4.4 to clarify the maximum density permitted through Density and Height Incentives, and Figure 4.4 as it relates to private recreational uses to establish the area permitted to be exempted from the calculation of gross floor area.

PUBLIC MEETINGS

The North District Community Council considered this amendment at a statutory public meeting held on May 7, 2003, after written notice of such meeting had been sent to all persons assessed in the notification area. It was the Community Council's decision to recommend approval of this application.

On _____, 2003 City Council enacted By-law No. _____.

AMENDMENT NO. 543
TO THE OFFICIAL PLAN FOR THE CITY OF NORTH YORK

The following text constitutes Amendment No. 543 to the Official Plan of the City of North York.

ITEM 1:

Policies 4.1, 4.2 and 4.3 are modified by adding the words “exclusive of any incentives discussed in policy 4.4” after the words “A maximum density of 2.5 FSI is permitted”.

ITEM 2:

Policy 4.4(a) and Policy 4.4(c) are deleted and replaced with the following:

“4.4 (a) Figure 4.4 shows density incentives for the provision of community benefits in the form of specific uses and facilities on lands designated Arterial Corridor Area. The gross floor area of such facilities are exempted from the calculation of densities to the extent provided in Figure 4.4, to a maximum development density of 3.0 times the lot area and a maximum height of 18 storeys. The provision and maintenance of such facilities will be secured by appropriate legal agreements, which may include agreements pursuant to Section 37 of the Planning Act.”

ITEM 3:

Figure 4.4 “Incentives” is modified by deleting the text in the Incentive column for Private Recreational Use Accessory to a Residential Use and replacing with the following:

“The gross floor area of private recreational uses, in excess of the requirement of the zoning by-law for the lands for each of indoor and outdoor recreational amenity area per dwelling unit, is exempted from the calculation of g.f.a to a maximum of 1.5 square metres per dwelling unit.”

Attachment 2

OFFICIAL PLAN AMENDMENT

Authority: _____ Report No.
Clause No. _____, as enacted by Council on

Enacted by Council:

CITY OF TORONTO

Bill No.

OFFICIAL PLAN AMENDMENT NO. ____
To amend the City of Toronto Official Plan

WHEREAS authority is given to Council by 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. ____ to the Official Plan of the City of Toronto, consisting of the attached schedule, is hereby adopted.
2. This By-law shall come into force and take effect on the day of the final passing thereof.

ENACTED AND PASSED this _____ day of _____, A.D. 2003

Mayor

City Clerk

PREFACE AND EXPLANATORY NOTES
TO AMENDMENT NO. ____
TO THE OFFICIAL PLAN OF THE CITY OF TORONTO

INTRODUCTION

The purpose of this amendment is to clarify those policies related to density and height incentives in the Emery Village Secondary Plan.

LANDS AFFECTED BY THIS AMENDMENT

This amendment concerns those lands designated Mixed Use Area and Apartment Neighbourhood within the Emery Village Secondary Plan.

EFFECT OF THE AMENDMENT

The effect of this amendment is to modify policies 3.1, 3.2, 3.3 and 3.4 to clarify maximum permitted densities, policy 3.5 to clarify the maximum density permitted through Density and Height Incentives, and Figure 3.5 as it relates to private recreational uses to establish the area permitted to be exempted from the calculation of gross floor area.

PUBLIC MEETINGS

The North District Community Council considered this amendment at a statutory public meeting held on May 7, 2003, after written notice of such meeting had been sent to all persons assessed in the notification area. It was the Community Council's decision to recommend approval of this application.

On _____, 2003 City Council enacted By-law No. _____.

AMENDMENT NO. _____ TO THE OFFICIAL PLAN FOR THE CITY OF TORONTO

The following text constitutes Amendment No. _____ to the Official Plan of the City of Toronto.

ITEM 1:

Policies 3.1, 3.2, 3.3 and 3.4 are modified by adding the words "exclusive of any incentives discussed in policy 3.5" after the words "A maximum density of 2.5 times the lot area is permitted".

ITEM 2:

Policy 3.5(a) and Policy 3.5(c) are deleted and replaced with the following:

"3.5 (a) Figure 3.5 shows density incentives for the provision of community benefits in the form of specific uses and facilities on lands designated Mixed Use Area and Apartment Neighbourhood. The gross floor area of such facilities are exempted from the calculation of densities to the extent provided in Figure 3.5, to a maximum development density of 3.0 times the lot area and a maximum height of 18 storeys. The provision and maintenance of such facilities will be secured by appropriate legal agreements, which may include agreements pursuant to Section 37 of the Planning Act."

ITEM 3:

Figure 3.5 "Incentives" is modified by deleting the text in the Incentive column for Private Recreational Use Accessory to a Residential Use and replacing with the following:

"The gross floor area of private recreational uses, in excess of the requirement of the zoning by-law for the lands for each of indoor and outdoor recreational amenity area per dwelling unit, is exempted from the calculation of g.f.a to a maximum of 1.5 square metres per dwelling unit."

Attachment 3

Authority: North York Community Council Report No. __, Clause No. __, as adopted by City of Toronto Council on __, 2003

Enacted by Council:

CITY OF TORONTO

BY-LAW No.

To amend City of North York By-law No. 7625
in respect of lands municipally known as
EMERY VILLAGE SECONDARY PLAN

WHEREAS authority is given to Council by Sections 34 and 37 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*;

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 Schedules “1” and “2” of this By-law.
2. By-law No. 7625 is amended by adding the following subsection:

SECTION 27 MIXED USE COMMERCIAL ZONE (C5)

27(1) Prohibition

No person shall use any land, building or structure, or cause or permit a building or structure to be erected, in a Mixed Use Commercial (C5) zone except in accordance with the following provisions:

27(2) Definitions

For the purpose of the Mixed Use Commercial (C5) zone, the following definitions will apply in addition to the definitions of By-law 7625:

- (i) “Live Work Unit” shall mean an artist studio, business and professional office, commercial school, personal service shop, professional medical office, retail store, or service shop use located within a dwelling unit, provided the following conditions apply: Live work uses shall only be conducted by a member or members of a household that reside in the dwelling unit; the work component shall not exceed a maximum gross floor area of 30 per cent of the total

residential gross floor area of the dwelling unit; and, for an apartment house dwelling, the live work uses shall be restricted to the street level.

27(3)(a) Permitted Uses

Adult education school
Apartment hotel
Apartment house dwelling
Art gallery
Artist studio
Automatic laundry shop
Financial institution
Business and Professional office
Cinema
Club
Commercial recreation
Commercial school
Commercial gallery
Communications and broadcasting
Community centre
Custom workshop
Day nursery
Dry cleaning and laundry collecting establishment
Financial institution
Fitness centre
Hotel
Industrial sales and service
Information processing
Live Work Unit
Multiple attached dwelling
Museum
Nursing Home subject to the provisions of subsection 6(26)
Park
Personal service shop
Pinball and video games arcade
Place of worship subject to the provisions of subsection 6(26)
Professional medical office
Public library
Research Laboratory
Restaurant, with or without an outdoor café subject to the provisions of subsection 6(22)
Retail store
School
Service shop
Theatre
Take-out restaurant
Veterinary Clinic

(b) Use Qualifications

- (i) all permitted uses in 27(3)(a), except for apartment hotel, apartment house dwelling, live work unit, multiple attached dwelling and nursing home uses, shall not exceed the lesser of a floor space index of 1.0 or a combined total gross floor area on a lot of 5,000 m² unless those criteria listed in Section 27(10) are fulfilled.
- (ii) apartment hotel, apartment house dwelling, live work unit, multiple attached dwelling and nursing home uses are prohibited unless those criteria listed in Section 27(10) are fulfilled.

C5 ZONE REGULATIONS

27(4)(a) Yard Setbacks

- (i) All buildings and structures above grade, to an elevation of 9.6 metres or 3 storeys, shall be located a minimum of 0.0 metres and a maximum of 2.5 metres from any street;
- (ii) Notwithstanding (i) above:
 - (A) Development that has residential uses on the first floor shall be located a maximum of 4.5 metres from any street; and,
 - (B) Balconies, pedestrian weather protection systems, canopies, porches, steps, bay windows, overhangs, railings, cornices, awnings or colonnades may be permitted in the area between the front wall of the building and the front lot line.
- (iii) The portion of any buildings and structures above 9.6 metres or 3 storeys in elevation shall be setback an additional 2.0 metres from the base elevation;
- (iv) Where the side yard of a property is adjacent to a low density Residential zone, the minimum side yard setback shall be 1.2 metres for buildings up to an elevation of 9.6 metres or 3 storeys, and 7.5 metres for buildings above an elevation of 9.6 metres or 3 storeys.
- (v) the minimum separation between residential buildings on the same lot shall be:
 - (A) 11.0 metres for buildings up to 9.6 metres or 3 storeys in height;
 - (B) 15.0 metres for portions of buildings in excess of 9.6 metres or 3 storeys in height; and,

(C) 7.5 metres to a lot line, excluding a lot line that abuts a street.

(vi) The minimum setback for underground parking shall be 0 metres.

27(5)(a) Building Height

(i) The minimum and maximum building heights for all buildings and structures shall be as shown on Schedule C5.

(ii) Notwithstanding (i), the maximum height of all buildings or structures, or portions thereof, shall not exceed the horizontal distance between the building or structure and the rear lot line where the rear lot line is abutting an R, RM1 or RM2 zone.

27(6)(a) Density

(i) The maximum floor space index shall be as shown on Schedule C5, subject to the use qualifications set out in 27(3)(b).

27(7)(a) Parking

(i) Where a property abuts a public lane or a flanking street, the access for all vehicles shall be from the public lane or flanking street.

(ii) Where a property does not abut either a public lane or a flanking street, only one vehicular access point to parking and loading facilities shall be provided from the fronting street.

(iii) Parking shall be located in the side yard, rear yard or below grade, except all residential parking for apartment dwelling uses shall be provided below grade.

(iv) All required parking spaces, or portions thereof, shall be provided on the same parcel on which the use is situated;

(v) No surface parking spaces are permitted within 5.0 metres of a front lot line and 3.0 metres elsewhere.

27(8)(a) Recreational Space:

(i) A minimum of 2.0 m² per dwelling unit of above grade indoor recreational amenity area and a minimum of 2.0 m² of outdoor recreational space per dwelling unit shall be provided.

27(9)(a) Common Outdoor Space Non-Residential Gross Floor Area:

- (i) A minimum common outdoor space equal to 4% of the non-residential gross floor area or 10% of the site, whichever is greater, shall be provided.

Holding Provisions

27(10)(a) On those lands subject to an 'H' as illustrated on Schedule 1, no person shall use any lot or erect or use any building or structure for any purpose except as permitted in this by-law. Upon fulfilment of the following conditions on terms satisfactory to the City of Toronto, the "H" prefix shall be lifted, in whole or in part, and the uses as set out in this by-law shall be the only uses permitted on such lands:

- (i) For those lands shown on Schedule 1 as C5(H1)
 - (A) Submission of a Traffic Impact Study and Traffic Certification Report to the satisfaction of the Commissioner, Works and Emergency Services, identifying public roads and addressing the planning and design process for establishing public roads and, for development that exceeds 5,000 m² in gross floor area, demonstrating that the following criteria have been met:
 - (i) The site layout provides adequately for the movement needs of pedestrians, automobiles and commercial vehicles without disrupting bordering streets and properties;
 - (ii) The development will not increase local residential road traffic so significantly as to produce appreciable new hazards, noise dust and fumes for nearby residential communities;
 - (iii) The development provides sufficient parking while still encouraging the use of public transit, walking and cycling as alternatives to automobile use; and,
 - (iv) The traffic resulting from occupancy of the proposed development does not significantly contribute to reducing the level of service of nearby arterial roads and their intersections with local roads to below a generally acceptable level.

- (B) For public roads, completion of a Soil Investigation Report to the satisfaction of the Commissioner, Works and Emergency Services addressing the construction of public roads and any below grade infrastructure.
- (C) Submission of a Phase I Environmental Assessment Report to determine the likelihood of on-site and off-site contamination and, if required, Phase II Environmental Assessment Report and Peer Review to the satisfaction of the Commissioner, Works and Emergency Services and in accordance with the applicable Ministry of Environment Guidelines to remediate on-site and off-site contamination.
- (D) Submission of a Preliminary Engineering and Servicing Report to the satisfaction of the Commissioner, Works and Emergency Services, which demonstrates the feasibility of proposed engineering works.
- (E) Submission of a Noise and Vibration Study to the satisfaction of the City, which addresses any noise and vibration concerns with the adjacent and industrial uses.
- (F) Development that exceeds 5,000 m² in gross floor area, shall submit a Development Plan to the satisfaction of the Commissioner, Urban Development Services which addresses:
 - (i) The proposed massing of buildings, building heights, setbacks and distribution of density;
 - (ii) The location, dimensions and character of publicly accessible private open spaces and pedestrian routes, showing their continuity and complementary relationship to adjacent public spaces, pedestrian routes and streets;
 - (iii) Protection and enhancement of significant views and landscape focal points;
 - (iv) The general location, size and treatment of surface parking facilities and vehicular access points in sufficient detail to identify locations where parking amongst different building sites or uses may be shared and to assess the effect of these facilities on public sidewalks and pedestrian routes;

- (v) The location of street-related uses and principle pedestrian entrances to buildings and the relationship of such uses and entrances to street frontages to ensure that the role of the public street and pedestrian movement along the street is supported and reinforced; and,
 - (vi) Possible phasing of development and new infrastructure including roads, parks and open spaces.
- (ii) For those lands shown on Schedule 1 as C5(H2)
- (A) Development that exceeds 5,000 m² in gross floor area, shall submit a Traffic Impact Study and Traffic Certification Report to the satisfaction of the Commissioner, Works and Emergency Services demonstrating that the following criteria have been met:
 - (i) The site layout provides adequately for the movement needs of pedestrians, automobiles and commercial vehicles without disrupting bordering streets and properties;
 - (ii) The development will not increase local residential road traffic so significantly as to produce appreciable new hazards, noise dust and fumes for nearby residential communities;
 - (iii) The development provides sufficient parking while still encouraging the use of public transit, walking and cycling as alternatives to automobile use; and,
 - (iv) The traffic resulting from occupancy of the proposed development does not significantly contribute to reducing the level of service of nearby arterial roads and their intersections with local roads to below a generally acceptable level.
 - (B) Submission of a Phase I Environmental Assessment Report to determine the likelihood of on-site and off-site contamination and, if required, Phase II Environmental Assessment Report and Peer Review to the satisfaction of the Commissioner, Works and Emergency Services and in accordance with the applicable Ministry of Environment Guidelines to remediate on-site and off-site contamination.

- (C) Submission of a Preliminary Engineering Report to the satisfaction of the Commissioner, Works and Emergency Services, which demonstrates the feasibility of proposed engineering works.
- (D) Submission of a Noise and Vibration Study to the satisfaction of the City which addresses any noise and vibration concerns with the adjacent and industrial uses.
- (E) Developments which exceed 5,000 m² in gross floor area shall submit a Development Plan to the satisfaction of the Commissioner, Urban Development Services which addresses:
 - (i) The proposed massing of buildings, building heights, setbacks and distribution of density;
 - (ii) The location, dimensions and character of publicly accessible private open spaces and pedestrian routes, showing their continuity and complementary relationship to adjacent public spaces, pedestrian routes and streets;
 - (iii) Protection and enhancement of significant views and landscape focal points;
 - (iv) The general location, size and treatment of surface parking facilities and vehicular access points in sufficient detail to identify locations where parking amongst different building sites or uses may be shared and to assess the effect of these facilities on public sidewalks and pedestrian routes;
 - (v) The location of street-related uses and principle pedestrian entrances to buildings and the relationship of such uses and entrances to street frontages to ensure that the role of the public street and pedestrian movement along the street is supported and reinforced; and,
 - (vi) Possible phasing of development and new infrastructure including roads, parks and open spaces.
- (iii) For those lands shown on Schedule 1 as C5(H3)
 - (A) Submission of a Traffic Impact Study and Traffic Certification Report to the satisfaction of the Commissioner, Works and Emergency Services, identifying public roads and addressing

the planning and design process for establishing public roads, and for development that exceeds 5,000 m² in gross floor area, demonstrating that the following criteria have been met:

- (i) The site layout provides adequately for the movement needs of pedestrians, automobiles and commercial vehicles without disrupting bordering streets and properties;
 - (ii) The development will not increase local residential road traffic so significantly as to produce appreciable new hazards, noise dust and fumes for nearby residential communities;
 - (iii) The development provides sufficient parking while still encouraging the use of public transit, walking and cycling as alternatives to automobile use; and,
 - (iv) The traffic resulting from occupancy of the proposed development does not significantly contribute to reducing the level of service of nearby arterial roads and their intersections with local roads to below a generally acceptable level.
- (B) For public roads, submission of a Soil Investigation Report to the satisfaction of the Commissioner, Works and Emergency Services addressing the construction of public roads and any below grade infrastructure.
- (C) Submission of a Phase I Environmental Assessment Report to determine the likelihood of on-site and off-site contamination and, if required, Phase II Environmental Assessment Report and Peer Review to the satisfaction of the Commissioner, Works and Emergency Services and in accordance with the applicable Ministry of Environment Guidelines to remediate on-site and off-site contamination.
- (D) Submission of a Preliminary Engineering Report to the satisfaction of the Commissioner, Works and Emergency Services, which demonstrates the feasibility of proposed engineering works.
- (E) Submission of a Noise and Vibration Study to the satisfaction of the City which addresses any noise and vibration concerns with the adjacent and industrial uses.

- (F) Developments which exceed 5,000 m² in gross floor area shall submit a Development Plan to the satisfaction of the Commissioner, Urban Development Services which addresses:
- (i) The proposed massing of buildings, building heights, setbacks and distribution of density;
 - (ii) The location, dimensions and character of publicly accessible private open spaces and pedestrian routes, showing their continuity and complementary relationship to adjacent public spaces, pedestrian routes and streets;
 - (iii) Protection and enhancement of significant views and landscape focal points;
 - (iv) The general location, size and treatment of surface parking facilities and vehicular access points in sufficient detail to identify locations where parking amongst different building sites or uses may be shared and to assess the effect of these facilities on public sidewalks and pedestrian routes;
 - (v) The location of street-related uses and principle pedestrian entrances to buildings and the relationship of such uses and entrances to street frontages to ensure that the role of the public street and pedestrian movement along the street is supported and reinforced; and,
 - (vi) Possible phasing of development and new infrastructure including roads, parks and open spaces.
- (iv) For those lands shown on Schedule 1 as C5(H4)
- (A) For development that exceeds 5,000 m² in gross floor area, submission of a Traffic Impact Study and Traffic Certification Report to the satisfaction of the Commissioner, Works and Emergency Services demonstrating that the following criteria have been met:
- (i) The site layout provides adequately for the movement needs of pedestrians, automobiles and commercial vehicles without disrupting bordering streets and properties;

- (ii) The development will not increase local residential road traffic so significantly as to produce appreciable new hazards, noise dust and fumes for nearby residential communities;
 - (iii) The development provides sufficient parking while still encouraging the use of public transit, walking and cycling as alternatives to automobile use; and,
 - (iv) The traffic resulting from occupancy of the proposed development does not significantly contribute to reducing the level of service of nearby arterial roads and their intersections with local roads to below a generally acceptable level.
- (B) Completion of a Phase I Environmental Assessment Report to determine the likelihood of on-site and off-site contamination and, if required, Phase II Environmental Assessment Report and Peer Review to the satisfaction of the Director, Works and Emergency Services and in accordance with the applicable Ministry of Environment Guidelines to remediate on-site and off-site contamination.
- (C) Submission of a Soil Investigation Report to the satisfaction of the Commissioner, Works and Emergency Services.
- (D) Completion of a Preliminary Engineering Report to the satisfaction of the Commissioner, Works and Emergency Services, which demonstrates the feasibility of proposed engineering works.
- (E) Developments which exceed 5,000 m² in gross floor area shall submit a Development Plan to the satisfaction of the Commissioner, Urban Development Services which addresses:
- (i) The proposed massing of buildings, building heights, setbacks and distribution of density;
 - (ii) The location, dimensions and character of publicly accessible private open spaces and pedestrian routes, showing their continuity and complementary relationship to adjacent public spaces, pedestrian routes and streets;
 - (iii) Protection and enhancement of significant views and landscape focal points;

- (iv) The general location, size and treatment of surface parking facilities and vehicular access points in sufficient detail to identify locations where parking amongst different building sites or uses may be shared and to assess the effect of these facilities on public sidewalks and pedestrian routes;
- (v) The location of street-related uses and principle pedestrian entrances to buildings and the relationship of such uses and entrances to street frontages to ensure that the role of the public street and pedestrian movement along the street is supported and reinforced; and,
- (vi) Possible phasing of development and new infrastructure including roads, parks and open spaces.

27(11) Other Provisions

- (a) The main building entrance shall front onto and be directly accessible to the street and at an elevation no greater than 0.3 metres above or below the grade of the public right-of-way at the property line.
- (b) The provisions of this section shall apply collectively to the lands shown as C5 notwithstanding their division into two or more parcels.

- 3. Section 27 of By-law No. 7625 is amended by adding Schedules 1 and C5 attached to this by-law.
- 4. Section 64.20 of By-law No. 7625 is amended by adding the following subsection:

64.20(135) RM6(135)

DEFINITIONS

- (a) For the purpose of this exception ‘apartment house dwelling’ shall mean a building containing more than four dwelling units, each unit having access from an internal corridor system or direct access at grade, or any combination thereof.

EXCEPTION REGULATIONS

For the purpose of the lands shown on Schedule RM6(135) the following regulations shall apply:

- (b) The maximum floor space index shall be as shown on Schedule RM6(135).

- (c) The minimum and maximum building heights for all buildings and structures shall be as shown on Schedule RM6(135).
- (d) The provisions of Section 20-A.2.5 shall not apply.
- (e) The provisions of Section 20-A.2.6 shall not apply.

HOLDING PROVISIONS

- (f) Those lands identified on Schedule RM6(135) shall be subject to an (H) holding provision of which the lifting shall be subject to the following conditions:
 - (i) Notwithstanding the provisions of clause (b) any additional development on the lands shall require the Submission of a Traffic Impact Study and Traffic Certification Report to the satisfaction of the Commissioner, Works and Emergency Services, identifying public roads through the lands and addressing the planning and design process for establishing public roads and, for development that exceeds 5,000 m² in gross floor area, demonstrating that the following criteria have been met:
 - (A) The site layout provides adequately for the movement needs of pedestrians, automobiles and commercial vehicles without disrupting bordering streets and properties;
 - (B) The development will not increase local residential road traffic so significantly as to produce appreciable new hazards, noise dust and fumes for nearby residential communities;
 - (C) The development provides sufficient parking while still encouraging the use of public transit, walking and cycling as alternatives to automobile use; and,
 - (D) The traffic resulting from occupancy of the proposed development does not significantly contribute to reducing the level of service of nearby arterial roads and their intersections with local roads to below a generally acceptable level.
 - (ii) Development which exceeds 5,000 m² in gross floor area shall submit a Development Plan to the satisfaction of the Commissioner, Urban Development Services which addresses:
 - (A) The proposed massing of buildings, building heights, setbacks and distribution of density;

- (B) The location, dimensions and character of publicly accessible private open spaces and pedestrian routes, showing their continuity and complementary relationship to adjacent public spaces, pedestrian routes and streets;
 - (C) Protection and enhancement of significant views and landscape focal points;
 - (D) The general location, size and treatment of surface parking facilities and vehicular access points in sufficient detail to identify locations where parking amongst different building sites or uses may be shared and to assess the effect of these facilities on public sidewalks and pedestrian routes;
 - (E) The location of street-related uses and principle pedestrian entrances to buildings and the relationship of such uses and entrances to street frontages to ensure that the role of the public street and pedestrian movement along the street is supported and reinforced; and,
 - (F) Possible phasing of development and new infrastructure including roads, parks and open spaces.
5. Section 64.20 of by-law No. 7625 is amended by adding Schedule RM6(135) attached to this By-law.
6. Section 64.21 of By-law No. 7625 is amended by adding the following subsection:
- 64.21(12) G(12)
- PERMITTED USES
- (a) In addition to the uses permitted in the G zone, a municipal skating rink is also permitted.

ENACTED AND PASSED this day of , A.D. 2003

Mayor

City Clerk

(Schedule "1", Schedule "C(5)" and Schedule "RM6(135)" to Attachment 6, were forwarded to all Members of the North York Community Council with the agenda for its meeting on May 7, 1003; and a copy thereof is on file in the office of the City Clerk, North York Civic Centre.)

A staff presentation was made by Sharon Hill, Senior Planner, Community Planning, North District, Urban Development Services.

The North York Community Council also had before a communication (May 6, 2003) from Ms. N. Jane Pepino, Aird & Berlis, on behalf of Imperial Oil Limited.

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The following persons appeared before the North York Community Council in connection with the foregoing matter:

- Mr. Tim Lambrinos; Chair, Emery Village Historical & Arts Advisory Committee;
- Mr. Tony Corsetti; who submitted a petition (April 28, 2003) signed by 134 area residents;
- Mr. Jorma Palomaki;
- Mr. Winston Clark, Marcus Garvey Centre for Leadership & Enterprise, on behalf of the President, Dr. Charmaine Marine;
- Mr. Larry Agyeman, Ghana Amansie Canadian Multicultural Association;
- Mr. Mario Giangioppo;
- Mrs. Sophia Zeber;
- Ms. Deirdre Gibson, Gibson & Associates Ltd., Development Consultants, who submitted a written brief;
- Mr. Steve Zakem, Aird & Berlis, on behalf of Imperial Oil Limited; and
- Mr. Chris Kourtesiotis.