

Authority: North York Community Council Item NY33.8,
as adopted by City of Toronto Council on July 19 and 20,
2022

CITY OF TORONTO

Bill 861

BY-LAW -2022

To amend former City of North York Zoning By-law 7625, as amended, with respect to lands municipally known in the year 2021 as 31 Finch Avenue East and 32, 36 and 38 Olive Avenue and to repeal former City of North York By-laws 26173 and 26841.

Whereas authority is given to Council of the City of Toronto pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

Whereas pursuant to subsection 37(1) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18 came into force, a by-law under Section 34 of the Planning Act may authorize increases in the height or density of development beyond those otherwise permitted by the by-law, which will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(2) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, requires that a by-law under Subsection 37(1) of the Planning Act may not be enacted unless the municipality has an official plan that contains provisions relating to the authorization of increases in height and density of development; and

Whereas the North York Centre Secondary Plan of the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in the density of development in return for the mandatory provision of specified capital facilities expressly associated with those increases; and

Whereas subsection 37(3) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, provides that where an owner of land elects to provide facilities, services or matters in return for an increase in the height or density of development, a 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 capital facilities or funding hereinafter set out in return for the additional density thereby permitted by the North York Centre Secondary Plan; and

Whereas the increase in density permitted hereunder, beyond that otherwise permitted on the aforesaid lands by this By-law, is permitted in return for the provision of the capital facilities or funding set out in this By-law, which shall be secured by an agreement between the owner of the lands and the City of Toronto; and

Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters and to enter into an agreement prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of same;

The Council of the City of Toronto enacts:

1. Schedules "B" and "C" of By-law 7625 of the former City of North York, as amended, are amended in accordance with Schedule 1 attached to this By-law by deleting the existing Zone and replacing it with the Zone with Exception as shown on Schedule 1 of this By-law.
2. Within the lands shown in heavy outline 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 necessary to serve the building or structure, have been installed and are operational.
3. Section 64-20-A of By-law 7625, as amended, is further amended by adding the following subsection:

64.20-A (275) RM6 (275)

DEFINITIONS

BICYCLE PARKING

- (A) For the purpose of this exception, "bicycle room" shall mean an enclosed indoor space that is designed and equipped exclusively for the purpose of parking and securing bicycles.

For the purpose of this exception, "bicycle parking space" shall mean an area that is equipped with a bicycle rack or a locker designed exclusively for the purpose of parking and securing bicycles.

ESTABLISHED GRADE

- (B) For the purpose of this exception, "established grade" shall mean the geodetic elevation of 193.21 metres.

GROSS FLOOR AREA

- (C) For the purpose of this exception, "gross floor area" shall mean the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, including any areas used as balconies, but excluding:
- (i) any part of the building used for mechanical floor area;
 - (ii) any space in a parking garage at or below grade used exclusively for motor vehicle or bicycle parking or access thereto; and
 - (iii) the floor area of unenclosed residential balconies.

For greater certainty, but not so as to restrict generality:

the calculation of gross floor area may exclude – architectural features affixed to, or extending beyond, the exterior faces of exterior walls; floor slab openings and other voids, including pipe space enclosures throughout, including within residential units; mechanical areas within residential units, including HVAC spaces; stormwater storage tanks; parking ramps and aisles to, or within, a parking garage; bicycle rooms contained within a parking garage; accessory uses to parking areas within a parking garage including: airlock rooms adjacent to elevators or exits; exit stairs that lead directly from a parking garage to the exterior of the building without serving any other areas; curbs adjacent to parking areas; supporting columns, walls or other like structures in a parking garage; pedestrian walkways within a parking garage; motor vehicle loading spaces, access thereto and adjacent bin staging areas; dead areas adjacent to parking spaces between columns, in corners and around curves or provided to facilitate vehicular turnaround; and other spaces in a parking garage not accessible and/or usable due to structural design; and

the calculation of gross floor area shall include – general storage spaces of any kind, including lockers and rooms; bicycle rooms not contained within a parking garage; vestibules other than airlock rooms; garbage and recycling rooms on residential floors; stairs, landings and hallways other than those that lead directly from a parking garage to the exterior of the building without serving any other areas; amenity spaces; elevator lobbies; and the floor areas of elevator cabs.

INDOOR RECREATIONAL AMENITY AREA

- (D) For the purpose of this exception, "indoor recreational amenity area" shall mean area(s) set aside for social and/or recreational purposes such as exercise or entertainment rooms, library space, coworking space, lounges, meeting or party rooms, guest suites and other similar uses, which is common to all residents in the building.

MECHANICAL FLOOR AREA

- (E) For the purpose of this exception, "mechanical floor area" shall mean floor area within a building or structure used exclusively for the accommodation of mechanical equipment necessary to physically operate the building, including but not limited to heating, ventilation, air conditioning, electrical, plumbing, fire protection, telephone, telecommunication, cable and elevator equipment, garbage chutes and compactors, stormwater management and irrigation facilities.

LANDSCAPING

- (F) For the purpose of this exception, "landscaping" shall mean planters, trees, shrubs, grass, flowers and other vegetation, decorative stonework, walkways, patios, screening or other horticultural or landscape architectural elements, or any combination of these, but not driveways or parking areas and directly associated elements such as curbs or retaining walls.

LOADING SPACE

- (G) For the purpose of this exception, "Type G loading space" shall mean a loading space that is a minimum of 4.0 metres wide, a minimum of 13.0 metres long and that has a minimum vertical clearance of 6.1 metres.

OUTDOOR RECREATIONAL AMENITY AREA

- (H) For the purpose of this exception, "outdoor recreational amenity area" shall mean area(s) set aside for social and/or recreational purposes such as playgrounds, landscaping, outdoor swimming pools and seating areas, which is common to all residents of the building.

SALES OFFICE

- (I) For the purpose of this exception, "sales office" shall mean an office located on the lands in a temporary or existing building, structure, facility or trailer, satisfactory to the City's Chief Planner, used exclusively for the purpose of selling or leasing the residential dwelling units or the non-residential gross floor area to be erected within the site.

PERMITTED USES

- (J) The only permitted uses on the lands subject to this By-law shall be:
- (i) a telephone switching centre;
 - (ii) an apartment house dwelling and accessory uses thereto including private recreational amenity areas and common outdoor space; and
 - (iii) a temporary sales centre.

EXCEPTION REGULATIONS**MAXIMUM GROSS FLOOR AREA**

- (K) The maximum total gross floor area permitted on the site shall not exceed 20,264 square metres, of which:
- (i) a maximum of 4,140 square metres is permitted for a telephone switching station; and
 - (ii) a maximum of 16,124 square metres is permitted for an apartment house dwelling.

BUILDING ENVELOPE

- (L) No portion of any building or structure erected and used above established grade shall be located otherwise than wholly within the building envelope identified on Schedule RM6 (275), except for projections permitted in Section 6(9) of By-law 7625 as well as balconies, terraces, wind mitigation features, lighting fixtures, awnings, ornamental elements, commercial signage, parapets, trellises, window sills, guardrails, balustrades, railings, vents, underground garage ramps and their associated structures, fences, screens, landscaping, planter boxes, intake and exhaust vents and architectural projections, all of which may project up to a maximum of 3.0 metres, and stairs and stair enclosures, which may project up to a maximum of 3.5 metres.

BUILDING HEIGHT

- (M) The building height, measured from established grade, shall not exceed the maximum height in metres shown on Schedule RM6 (275), excluding mechanical penthouses, parapets and other architectural features, mechanical equipment and other elements necessary for the functional operation of the building and stairwells to access the roof, including stairwell and landings within residential units providing access to the rooftop terrace.

NUMBER OF STOREYS

- (N) The number of storeys shall not exceed the maximums shown on Schedule RM6 (275), excluding mechanical penthouses, mechanical equipment and other elements necessary for the functional operation of the building and stairwells to access the roof, including stairwell and landings within residential units providing access to the rooftop terrace.
- (O) Residential terraces and mechanical penthouse uses may be located on the same level.

EXISTING BUILDING

- (P) Notwithstanding subsections (L), (M) and (N) above, the telephone switching centre shown as "Existing Building" on Schedule RM6 (275) is permitted.

MOTOR VEHICLE PARKING

- (Q) Motor vehicle parking spaces shall be provided as follows:
- (i) a minimum rate of 0.27 resident parking spaces for each dwelling unit;
 - (ii) a minimum rate of 0.05 visitor parking spaces for each dwelling unit; and
 - (iii) no parking spaces are required for the telephone switching centre.

BICYCLE PARKING

- (R) Bicycle parking spaces shall be provided in accordance with the following requirements:
- (i) a minimum of 238 bicycle parking spaces for residents;
 - (ii) a minimum of 25 bicycle parking spaces for visitors; and
 - (iii) no bicycle parking spaces are required for the telephone switching centre.
- (S) Bicycle parking shall comply with the following standards:
- (i) where bicycles are to be parked on a horizontal surface, each bicycle parking space shall have horizontal dimensions of at least 0.6 metres in width by 1.8 metres in length;
 - (ii) where bicycles are to be parked in a vertical position, each bicycle parking space shall have horizontal dimensions of at least 0.6 metres in width by 1.2 metres in length; and
 - (iii) where bicycles are to be parked in bicycle rack(s) or in a stacked manner, bicycles may be parked in a secured room or area or on a rack/hook on a wall associated with a vehicle parking space on any parking level, so long as such rack/hook does not encroach into a vehicle parking space, and in all such cases the dimensions in (i) and (ii) shall not be required.

LOADING

- (T) A minimum of one Type 'G' loading space shall be provided.

INDOOR RECREATIONAL AMENITY AREA

- (U) A minimum of 1.5 square metres per dwelling unit of indoor recreational amenity area shall be provided.

OUTDOOR RECREATIONAL AMENITY AREA

- (V) A minimum of 1.5 square metres per dwelling unit of outdoor recreational amenity area shall be provided at or above grade.

YARD SETBACKS

- (W) The minimum yard setbacks shall be as shown on Schedule RM6 (275).

PROVISIONS NOT APPLICABLE

- (X) The provisions of Sections 6A(2), 6A(16)(d)(iv), 6(9)(a),(b) 15.8, and 20-A.2.2, 20-A.2.4, 20-A.2.4.1, 20-A.2.5, and 20-A.2.6 do not apply.

INCREASED DENSITY

- (Y) Matters that are to be provided pursuant to Section 37 of the Planning Act, R.S.O 1990, c. P.13, as amended, in order to permit the increased maximum gross floor area authorized under subsection (AA) of this exception, are:

SECTION 37 OBLIGATIONS REQUIRED IN RETURN FOR ADDITIONAL GROSS FLOOR AREA PERMITTED

- (Z) The owner of the subject lands shall enter into an agreement with the City of Toronto pursuant to Section 37 of the Planning Act to secure the capital facilities referred to below, which agreement shall be registered against the title of the lands to which this By-law applies in the manner and to the extent specified in the agreement. The owner of the subject lands, at the owner's expense and in accordance with, and subject to, the agreement referred to above, shall provide for or fund the following facilities on terms satisfactory to the City of Toronto in exchange for the increased density hereinafter set out:
- (i) a minimum of 1.5 square metres per dwelling unit of indoor recreational amenity space; and
 - (ii) a contribution of \$1,740,611.13 to be allocated to local area improvements within the vicinity of the subject site, to the satisfaction of the Chief Planner and Executive Director City Planning, in consultation with the local Ward Councillor.

ADDITIONAL GROSS FLOOR AREA PERMITTED IN RETURN FOR SECTION 37 OBLIGATIONS

(AA) Notwithstanding subsection (K) of this exception, additional residential gross floor area may be permitted, limited to the following:

- (i) a maximum of 1.5 square metres per dwelling unit of indoor recreational amenity area; and
- (ii) a maximum of 6,162 square metres of residential gross floor area within the residential site attributable to the payment specified in (Z)(ii) above.

SEVERANCE

(BB) Notwithstanding any past or future severance, partition or division of the net site shown on Schedule RM6 (275), the provisions of this By-law shall apply to the whole of the site as if no severance, partition or division occurred.

4. Section 64.20-A of By-law 7625 of the former City of North York is amended by adding Schedule "RM6 (275)" attached to this By-law.
5. Where any provision or Schedule of By-law 7625 of the former City of North York, as amended, conflicts with this By-law, this By-law shall prevail.
6. By-laws 26173 and 26841 of the former City of North York are repealed.

Enacted and passed on July , 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

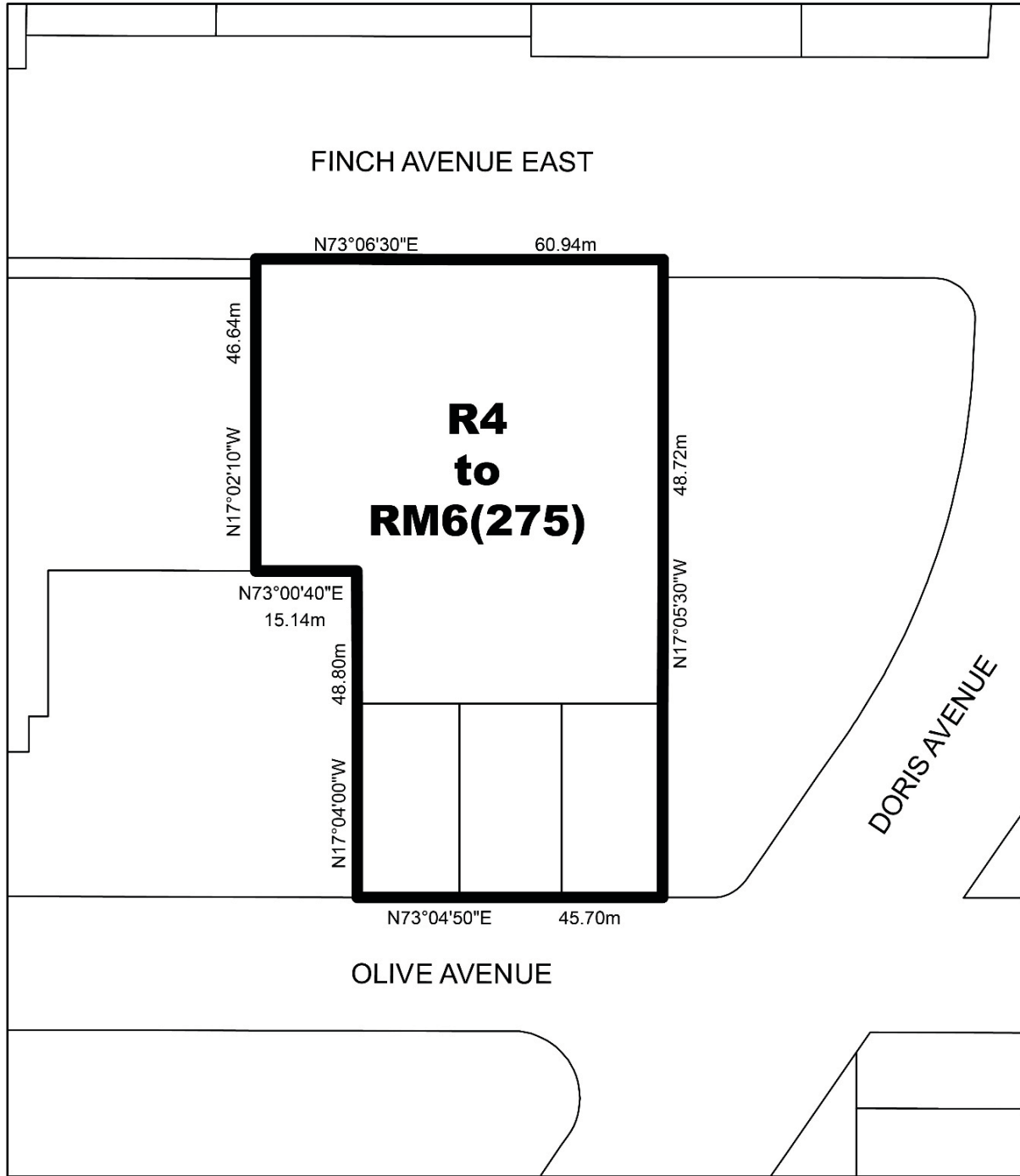
(Seal of the City)

SCHEDULE A
Section 37 Provisions

Prior to the issuance of any Building Permit, the facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Schedule 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act, as it read the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, whereby the owner agrees to provide as follows:

1. Prior to the issuance of the first above-grade building permit for the proposed development, the Owner shall:
 - (i) Make an upwardly indexed financial contribution to the City of \$1,740,611.13 to be allocated to local area improvements within the vicinity of the subject site, to the satisfaction of the Chief Planner and Executive Director City Planning, in consultation with the local Ward Councillor;
 - (ii) The amount in 1(i) above will be indexed upwardly in accordance with the Statistics Canada Residential Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date City Council adopts this By-law to the date of payment;
 - (iii) In the event that the cash contribution in 1(i) above has not been used for the determined purpose within three years of the amending zoning by-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, provided the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands; and
 - (iv) Indoor residential recreational amenity space at a size of not less than 1.5 square metres per dwelling unit, eligible as a density incentive in accordance with Section 3.3 of the North York Centre Secondary Plan.
2. The following are also to be secured as a matter of legal convenience in the Section 37 Agreement, but are not eligible for additional Gross Floor Area:
 - (i) The Owner shall convey to the City as off-site parkland dedication the lands shown as Parts 3, 6 and 9 on Reference Plan 66R-32436, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor;
 - (ii) The Owner shall make a contribution in the amount of \$50,000 to be allocated toward the City of Toronto Bike Share program for investment in the expansion of the program in the Willowdale area; and

- (iii) The Owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard and the Owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the Site Plan Control application.



 **TORONTO**
Schedule 1

**31 Finch Avenue East &
32, 36 and 38 Olive Avenue**

File # 21 227683 NNY 18 02



 **TORONTO**
Schedule RM6(275)

**31 Finch Avenue East &
32, 36 and 38 Olive Avenue**
File # 21 227683 NNY 18 02

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Former City of North York By-law 7625
Not to Scale
06/02/2022