

CITY OF TORONTO

BY-LAW No. 4-2006(OMB)

To amend former City of North York By-law No. 7625 with respect to lands municipally known as 3025 Finch Avenue West.

WHEREAS the Ontario Municipal Board, pursuant to its Order No. 2368, issued on September 8, 2005, as amended by Order No. 3302 issued on December 16, 2005 and Order No. 3347, issued on December 22, 2005, deems it advisable to amend By-law No. 7625, as amended, for the former City of North York;

THEREFORE, By-law No. 7625, as amended, for the former City of North York, is further amended by the Ontario Municipal Board as follows:

1. Schedules “B” and “C” of By-law No. 7625, as amended, are amended in accordance with Schedule “1” of this By-law.
2. Section 64.20 of By-law No. 7625 is hereby amended by adding the following subsection:

“64.20 RM5 (14)

PERMITTED USES

- (a) In Area A as shown on Schedule “RM5 (14) 2” of this By-law, the only permitted uses shall be Multiple Attached Dwellings and uses accessory thereto;
- (b) In Area B as shown on Schedule “RM5 (14) 2” of this By-law, the only permitted use shall be Apartment House Dwellings and uses accessory thereto;
- (c) In Area C as shown on Schedule “RM5 (14) 2” of this By-law, the only permitted uses shall be Multiple Attached Dwellings, Apartment House Dwellings and uses accessory thereto;
- (d) For the purposes of this exception, “apartment house dwelling” shall mean a building containing four or more dwelling units, which have access from a corridor or access from the outside or any combination thereof;

EXCEPTION REGULATIONS

- (e) Lot Area

The provisions of Section 20.2.1 shall not apply.

- (f) Lot Coverage

The maximum lot coverage by buildings shall be 35%.

(g) Lot Frontage

The provisions of Section 20.2.3 shall not apply.

(h) Yard Setbacks

The minimum yard set back as set out in Schedules “RM5 (14) 3”, “RM5 (14) 4” and “RM5 (14) 5”.

Notwithstanding this or any other provisions of the by-law:

- (i) the minimum yard set back from the easterly lot line of the site shall be 7.5 metres;
- (ii) the minimum yard setback from Finch Avenue West shall be 2 metres for Multiple Attached Dwellings, and 3.6 metres for Apartment House Dwellings; and
- (iii) the minimum yard setback for a structure above or below grade from a G Zone shall be 6 metres.

(i) Distance between Buildings and/or Portions of Buildings

The minimum distance between facing wall as set out in Schedules “RM5 (14) 3”, “RM5 (14) 4” and “RM5 (14) 5”.

(j) Maximum Gross Floor Area

The maximum gross floor area shall not exceed 47,000 square metres.

(k) Building Height

The maximum building heights as set out in Schedule “RM5 (14) 2”. Notwithstanding any of the provision of the by-law, for the purposes of calculating building height “grade” is elevation 140.071 (the geodetic measurements based on City of Toronto benchmark No. NY48003).

(l) Units

The maximum number of dwelling units shall be 389.

(m) Parking

Apartment House Dwellings

- (i) bachelor, 1 bedroom and 2 bedroom units: a minimum of 1 parking space per unit shall be provided for residents;

- (ii) 3 and more bedroom units: a minimum of 1.20 parking spaces per unit shall be provided for residents; and
- (iii) the resident parking spaces shall be provide in a below grade parking garage.

Multiple Attached Dwellings

- (i) a minimum of 2 parking spaces per unit shall be provide for the residents;

Visitor Parking for Apartment House Dwellings

- (i) a minimum of 0.2 parking spaces shall be provided for visitors; and
- (ii) a maximum of 52 visitor parking spaces may be provide at grade in Areas “B” and “C” as shown on Schedule “RM5 (14) 2”.

(n) Landscaping

A minimum area of 2,350 square metres shall be provided for outdoor amenity area.

(o) Projections

Notwithstanding any other provision of this by-law, in Area C as shown on Schedule “RM5 (14) 2” of this By-law, no balcony or sundeck located at or above the second storey, or gaining access from the second or third storey of the dwelling shall exceed 9.5 square metres in area.

(p) Unexcavated Porches and Decks

The By-law No. 7625 provisions of Sections 6(24)(a) and (c) shall not apply.

(q) Frontage on a Street

The provisions of Section 6(7) shall not apply.

(r) Minimum Distance of Apartment House Dwelling from R and RM2 Zones

Notwithstanding Section 15.6 no apartment house dwelling shall be located closer to a lot within the R4 Zone than 7.5 metres and in Area C, as shown on Schedule “RM5 (14) 2” of this By-law and no building or part thereof shall exceed a 45 degree angular plane from the lot line of the abutting R4 zone.

- (s) Notwithstanding any severance, partition, or division of the site, as shown on Schedule “RM5 (14) 2”, the provisions of this By-law shall apply to the whole of the site as if no severance, partition or division occurred.

INCREASED DENSITY

- (t) Matters which are to provided pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, in order to permit the increased number of dwelling units authorized under Sections 1 and 2 of this exception are:

SECTION 37 AGREEMENT

The owner of the subject lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters referred to below, which agreement or agreements may be registered against the title of the lands to which this By-law applies in the manner and to the extent specified in such agreements. The owner of the subject lands, at the owner's expense and in accordance with, and subject to the agreements referred to above, shall provide or fund the following facilities, services and/or matters:

- (i) Prior to the issuance of any above grade building permit with respect to the lands to which this By-law applies, the owner shall pay to the City by certified cheque the amount of \$360,000.00 as indexed to the Consumer Price Index from the date of the Section 37 Agreement, such amount to be used for improvements to local area parks and recreation facilities as determined by the City of Toronto's General Manager of Parks, Forestry and Recreation in consultation with the local area Councillor, with priority being given to a portable wooden gym floor and the provision of additional meeting room space at the Gord and Irene Risk Community Centre.
- (ii) Prior to the issuance of any above grade building permit (save and except any conditional building permit pursuant to the *Building Code Act* which may be issued) with respect to the lands to which this By-law applies, the owner shall:
- (1) carry out the remediation of the entire lands to which this By-law applies in accordance with the Restoration Action Plan for the subject property, dated May 2005, as prepared by Candec Consultants Limited, Consulting Engineers and Environmental Scientists (the "Restoration Action Plan"), copies of which are on file with the City of Toronto, the Ontario Municipal Board and the Ministry of the Environment (the "MOE");
 - (2) have a Qualified Person as defined by Ontario Regulation No. 153/04 prepare and provide to the City a Report of Satisfactory Remediation Completion and all supporting documents (hereinafter called the "RSRC"; the RSRC to be addressed to both the owner and the City and be to the satisfaction of the City's peer reviewer;

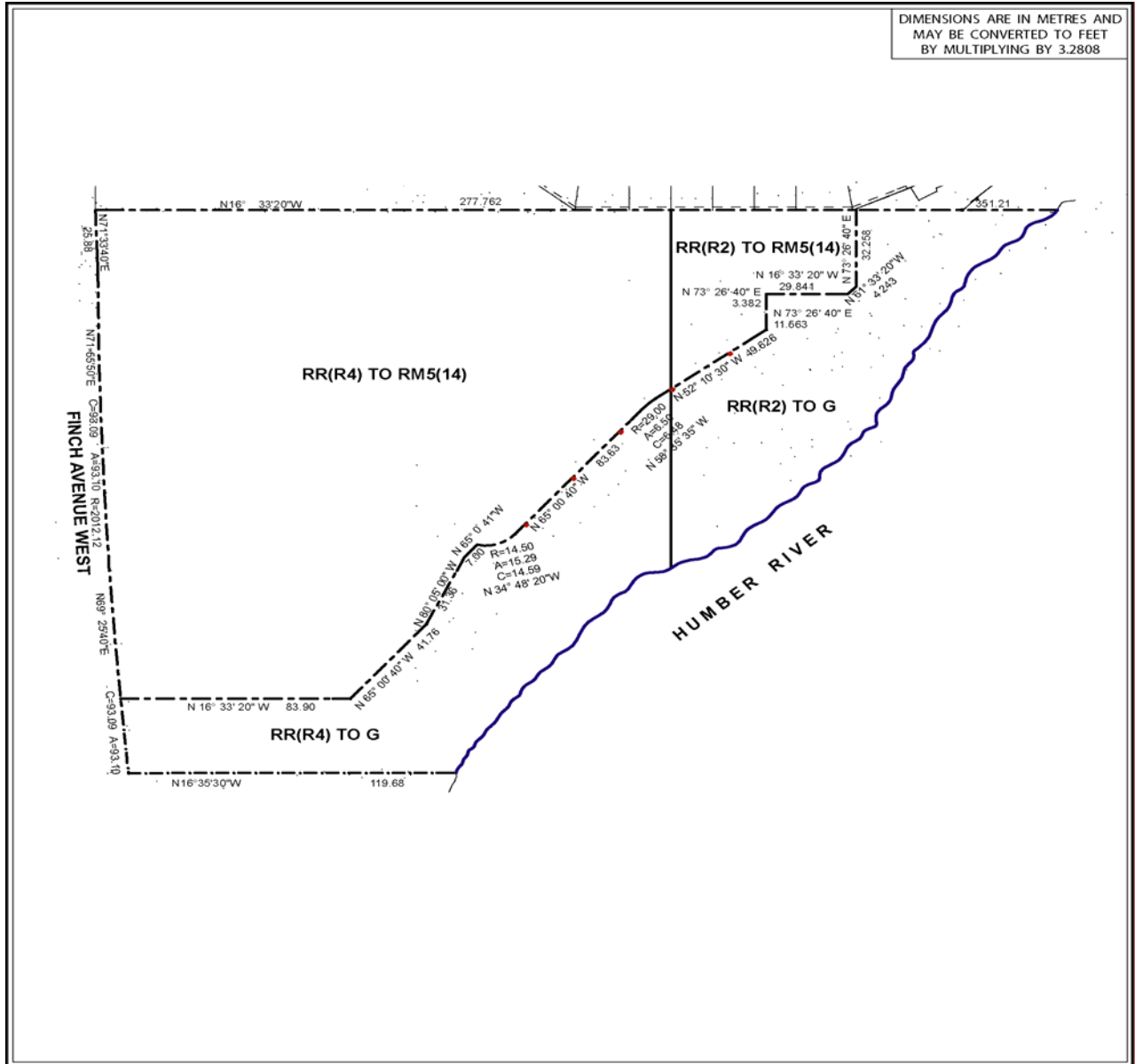
- (3) file a Record of Site Condition, in conformity with the RSRC, with the MOE in accordance with Ontario Reg. 153/04 and the *Environmental Protection Act*; and
 - (4) provide to the City a copy of the Record of Site Condition and the acknowledgement of receipt of same by the MOE, together with confirmation from the MOE that the Record of Site Condition has passed an audit or confirmation from the MOE that it will not carry out an audit.
- (iii) The owner shall carry out the Methane Control Measures as contained in the Restoration Action Plan, including but not limited to the regular monitoring for gas and installation and maintenance of the passive venting system along the east property boundary of the lands to which this By-law applies. The owner further agrees to install and maintain methane sensors in a few locations throughout the underground parking garage to be constructed on the lands, which sensors would trigger an audible warning system and fans in order to extract the methane gas (hereinafter called the “Methane Sensor/Alarm/Fan System”). The owner acknowledges and agrees that no building permit shall be issued for the underground parking garage unless the building permit plans for the underground parking garage include the Methane Sensor/Alarm/Fan System.
- (iv) Prior to the issuance of any below grade building permit with respect to the lands to which this By-law applies, the owner shall post with the City a letter of credit in the amount of \$250,000.00 and in a form satisfactory to the City Solicitor, which funds may be used by the City to close the site in accordance with the closure provisions of the Restoration Action Plan in the event the remediation cannot be completed for any reason.

Building permit issuance with respect to the lands to which this By-law applies shall be dependant upon satisfaction of the provisions in this By-law and in the Section 37 Agreement relating to building permit issuance.”

3. Section 64.20 of By-law No. 7625 is hereby amended by adding Schedules “RM5 (14)” 2, 3, 4, 5 and 6 attached to this By-law.

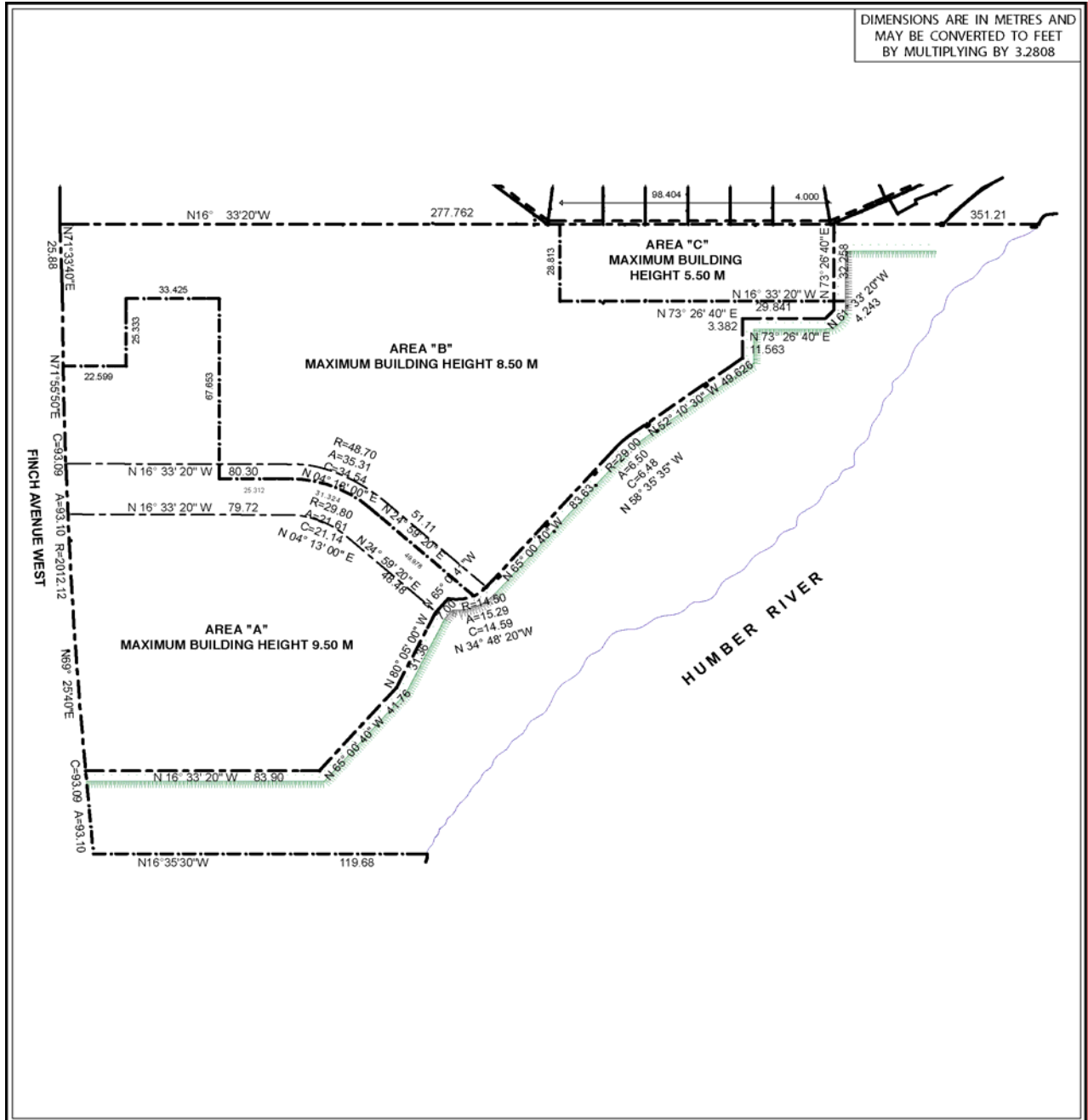
PURSUANT TO ORDER/DECISION NO. 2368 OF THE ONTARIO MUNICIPAL BOARD ISSUED ON SEPTEMBER 8, 2005 AS AMENDED BY ORDER/DECISION NO. 3302 ISSUED ON DECEMBER 16, 2005, AND ORDER/DECISION NO. 3347 ISSUED ON DECEMBER 22, 2005 IN BOARD CASE NO. PL040330.

SCHEDULE "1"



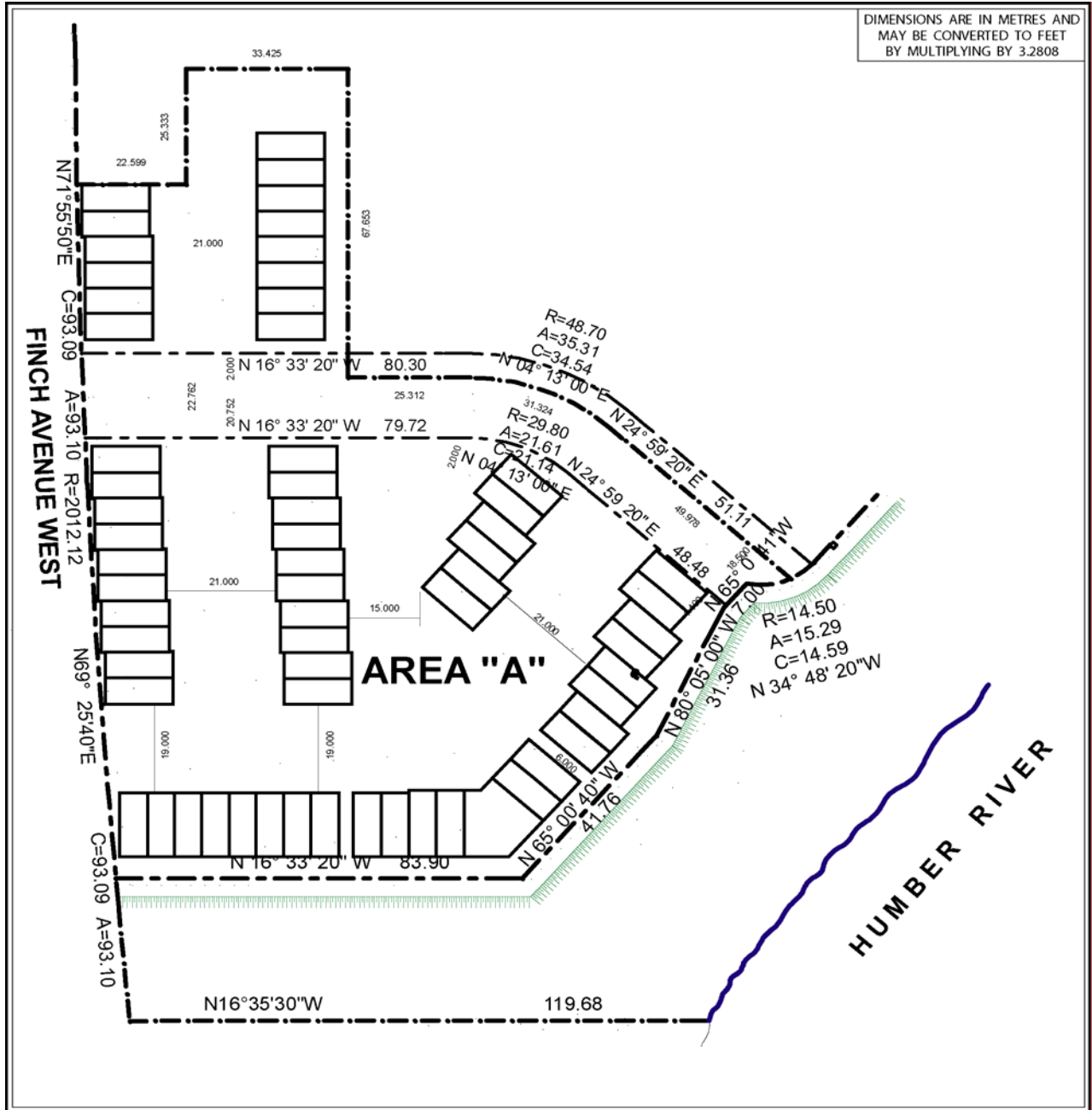
<p>This is Schedule "1" to By-Law _____</p> <p>passed the _____ day of _____, 20____</p>		 City Planning North
(Sgd.) _____ CLERK	(Sgd.) _____ MAYOR	
Location: Parcel 20-7, Section Y11, being Part of Lot 20, Concession 6, W.Y.S. designated as Part 1 on Plan 66R-5191, except Part 3 on Plan 66R-4156, City of Toronto (Formerly Township of York/City of North York).		
File No. 03_202783	Prepared by: K.P.	Approved by: G.B.
Date: June 2005		Filename: RM5(14)_1.ai
Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District. Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.		

SCHEDULE "RM (14) 2"



<p>This is Schedule " RM5(14) 2 " to By-Law _____</p> <p>passed the _____ day of _____, 20__</p>		 City Planning North
(Sgd.) _____ CLERK	(Sgd.) _____ MAYOR	
Location: Parcel 20-7, Section Y11, being Part of Lot 20, Concession 6, W.Y.S. designated as Part 1 on Plan 66R-5191, except Part 3 on Plan 66R-4156, City of Toronto (Formerly Township of York/City of North York).		
File No. 03_202783	Prepared by: KP/RZ	Approved by: G.B.
Date: June 2005	Filename: RM5(14)_2.ai	
Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District. Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.		

SCHEDULE "RM (14) 3"





This is Schedule " RM5(14) 3 " to By-Law _____
passed the _____ day of _____, 20__

(Sgd.) _____ (Sgd.) _____
 CLERK MAYOR

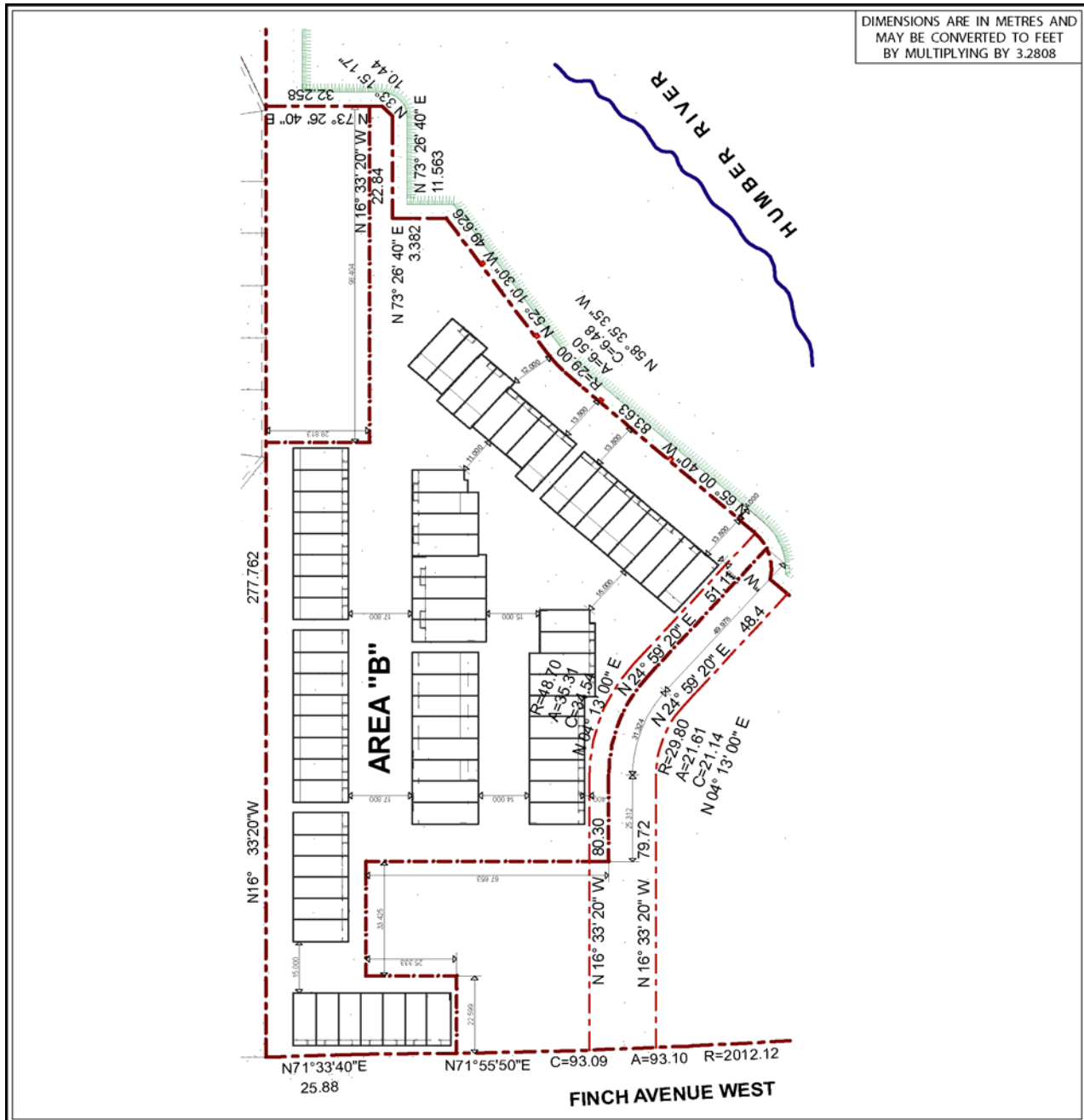
Location: Parcel 20-7, Section Y11, being Part of Lot 20, Concession 6, W.Y.S. designated as Part 1 on Plan 66R-5191, except Part 3 on Plan 66R-4156, City of Toronto (Formerly Township of York/City of North York).

File No. 03_202783 Prepared by: K.P. Approved by: G.B. Date: June 2005 Filename: RM5(14)_3.ai

Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District.
 Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.


 City Planning North

 SUBJECT PROPERTY

SCHEDULE "RM (14) 4"



This is Schedule " RM5(14) 4 " to By-Law _____
passed the _____ day of _____, 20 _____

(Sgd.) _____ (Sgd.) _____
 CLERK MAYOR

Location: Parcel 20-7, Section Y11, being Part of Lot 20, Concession 6, W.Y.S. designated as Part 1 on Plan 66R-5191, except Part 3 on Plan 66R-4156, City of Toronto (Formerly Township of York/City of North York).

File No. 03_202783	Prepared by: K.P.	Approved by: G.B.	Date: June 2005
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Filename: RM5(14)_4.ai

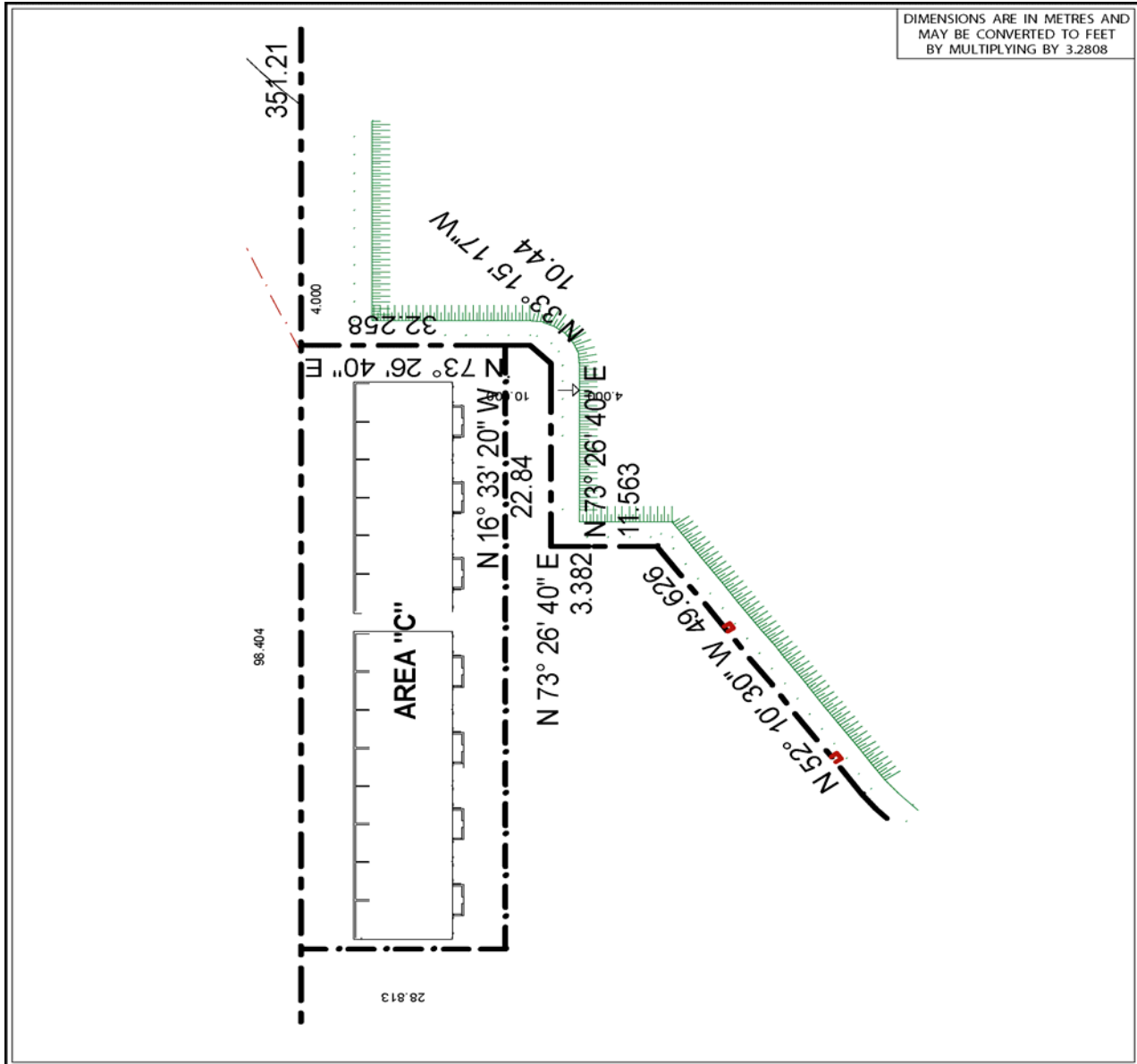
Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District.
 Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.



SUBJECT PROPERTY

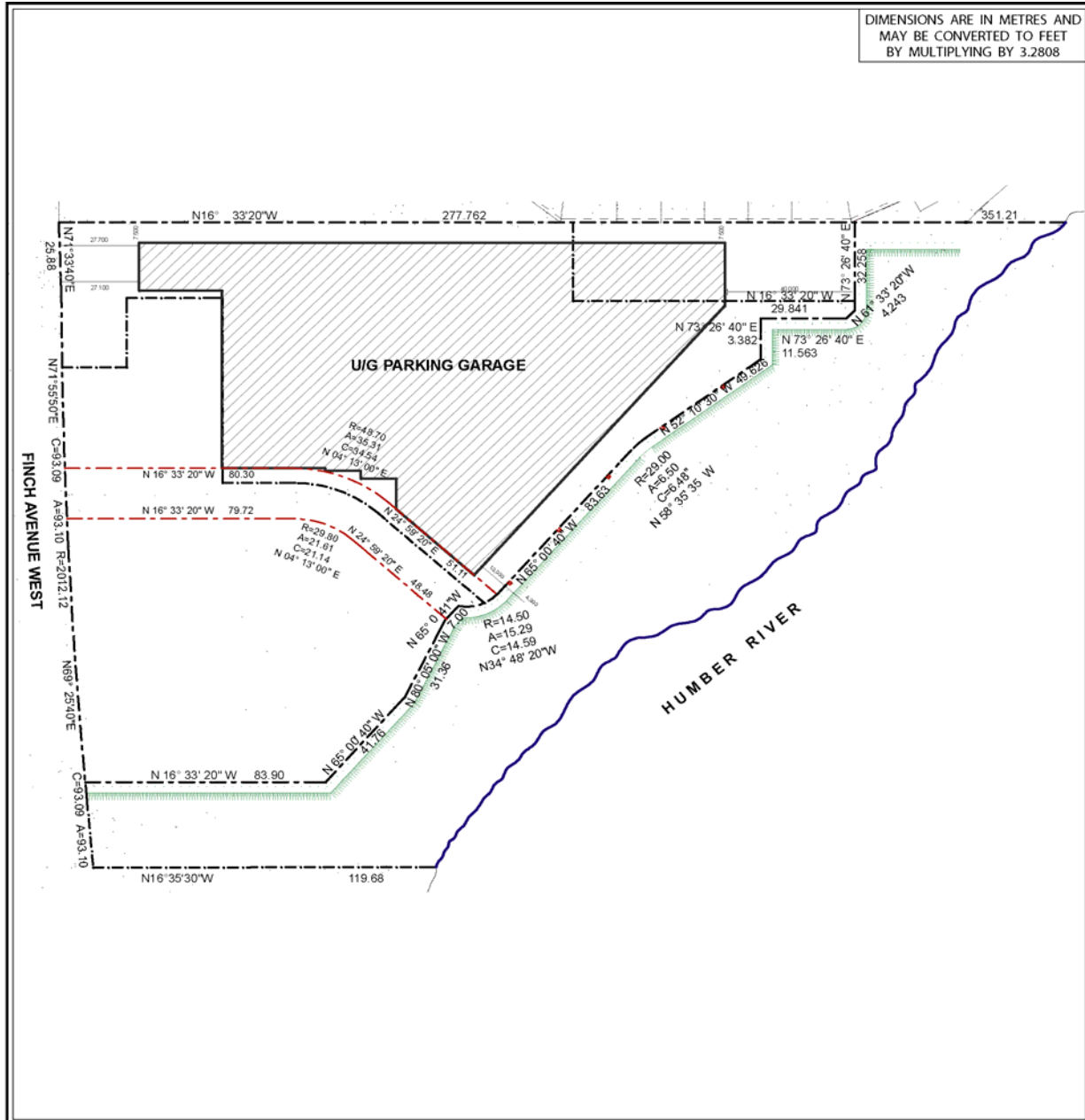


SCHEDULE "RM (14) 5"



<p>This is Schedule " RM5(14) 5 " to By-Law _____</p> <p>passed the _____ day of _____, 20____</p>		 City Planning North
(Sgd.) _____ CLERK	(Sgd.) _____ MAYOR	
Location: Parcel 20-7, Section Y11, being Part of Lot 20, Concession 6, W.Y.S. designated as Part 1 on Plan 66R-5191, except Part 3 on Plan 66R-4156, City of Toronto (Formerly Township of York/City of North York).		
File No. 03_202783	Prepared by: K.P.	Approved by: G.B.
Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District. Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.	Date: June 2005	Filename: RM5(14)_5.ai

SCHEDULE "RM (14) 6"



This is Schedule " RM5(14) 6 " to By-Law _____
 passed the _____ day of _____, 20____

(Sgd.) _____

(Sgd.) _____

CLERK

MAYOR



SUBJECT PROPERTY

Location: Parcel 20-7, Section Y11, being Part of Lot 20, Concession 6, W.Y.S. designated as Part 1 on Plan 66R-5191, except Part 3 on Plan 66R-4156, City of Toronto (Formerly Township of York/City of North York).

File No. 03_202783

Prepared by: K.P.

Approved by: G.B.

Date: June 2005

Filename: RM5(14)_6.ai

Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District.
 Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.