

CITY OF TORONTO

BY-LAW No. 134-2008(OMB)

To amend former City of North York Zoning By-law No. 7625 with respect to lands municipally known as 1200-1202 York Mills Road.

WHEREAS the Ontario Municipal Board by way of Order issued on January 7, 2008, determined to amend the General Zoning By-law No. 7625 of the former City of North York; and

WHEREAS the Official Plan of the former City of North York contains provisions relating to the authorization of increases in height and density of development; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of the municipality may, in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and matters as are set out in the By-law; and

WHEREAS subsection 37(3) of the *Planning Act*, provides that where an owner of land elects to provide facilities, services or matters in return for an increase in the height and density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

WHEREAS the applicant/owner of the lands hereinafter referred to has elected to provide the facilities, services and matters hereinafter set forth; and

WHEREAS the increase in density and height of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by the By-law, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owner of such lands and the City of Toronto; and

WHEREAS the City of Toronto has required the applicant/owner of the aforesaid lands to enter into one or more agreements having been executed dealing with certain facilities, services and matters in return for the increase in density and height in connection with the aforesaid lands as permitted by this By-law;

THEREFORE:

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

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

“64.20-A (141) RM6(141)

A. Section 37 Agreement

Facilities, services or matters which are to be provided pursuant to Section 37 of the *Planning Act*, as amended, in order to permit the increased density and height set out under subsection D (a) to (r) of the By-law are:

The owner agrees:

- (i) to construct, provide and maintain on the lands one additional purpose built rental apartment house dwelling containing not more than 247 units, for a fifteen (15) year period, commencing from the date of first occupancy;
- (ii) to ensure that for a ten (10) year period, the two existing rental apartment house dwellings will be preserved and maintained as rental housing stock commencing from the date the Zoning By-law is in full force and effect;
- (iii) that no application for condominium conversion or for demolition to construct anything other than rental housing units will be made in respect of the additional purpose built rental apartment house dwelling and the two rental apartment house dwellings currently located on the site contained in the time period contained in (i) and (ii) above;
- (iv) for the initial five (5) years, upon turnover, the rent charged to the new tenant shall not exceed 1.5 times the CMHC average City of Toronto rents;
- (v) during the initial five (5) year period, and until the date that any tenants who took occupancy prior to the end of the initial period move out, rent increases shall be limited to (1) the guideline and (2) if applicable, an increase that exceeds the guideline due to necessary costs or an extraordinary increase in capital or operational costs subject to the process for calculating the increase and tenant participation set out in the Section 37 Agreement. These rules for increases shall not apply in the event that rents are otherwise controlled by Provincial legislation;
- (vi) that all required indoor amenity space be constructed and operational prior to the occupancy of any unit in the proposed apartment building and that the amenity space will be made available at no charge to occupants of both the existing and proposed buildings;

- (vii) that the costs of providing indoor residential amenity space(s) and landscaping in respect of the construction of Building C not be passed on to the existing tenants of 1200 or 1202 York Mills Road;
- (viii) the preparation and implementation of a Construction Mitigation and Communication Strategy prepared in consultation with the local Councillor and subject to the satisfaction the Director of Community Planning, North District prior to the issuance of any excavation, shoring or building permit related to the additional rental building;
- (ix) a cash payment of \$200,000 for parks improvements, over and above the cash-in-lieu contribution required under Section 42 of the *Planning Act* to be paid prior to the issuance of a building permit; and
- (x) to implement improvements to the lobbies and hallways of the existing rental buildings totalling approximately \$474,000 and for which the owner will not seek rental increases above the Provincial guideline.

B. 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 either from an internal corridor system or direct access at grade, or any combination thereof.
- (b) For the purpose of the exception, “established grade” shall mean the elevation of the main front entrance of a building, exclusive of any embankment in lieu of steps.

C. Permitted Uses

- (a) The only permitted uses shall be apartment house dwellings with indoor recreation areas together with accessory structures and uses including a tuck shop and personal service shop and a day nursery and an amenity center building as shown on Schedule “RM6(141)”.

D. Exception Regulations

- (a) A maximum of 688 dwelling units in total shall be permitted, in up to 3 apartment house dwellings.
- (b) Building C and the Amenity Centre shall be located as shown on Schedule “RM6(141)”.
- (c) Building A and Building B as shown on Schedule “RM6(141)” shall be deemed to have a maximum gross floor area of 45,060 square metres and Building C as shown on Schedule “RM6(141)” shall have a maximum gross floor area of 24,790 square metres.

- (d) The maximum gross floor area of the accessory tuck shop and personal service shop shall be 200 square metres and the maximum gross floor area of the day nursery shall be 560 square metres.
- (e) The maximum height of Building C shown on Schedule “RM6(141)” shall be the lesser of 50 metres or 16 storeys to the top of the rook deck, excluding mechanical penthouse, stairs, parapets and ornamental roof.
- (f) The maximum heights of Buildings A and B and the free standing amenity centre shall be as shown on Schedule “RM6(141)”.
- (g) Section 20-A.2.6 regarding building height shall not apply.
- (h) The minimum yard setbacks shall be as shown on Schedule “RM6(141)”.
- (i) A minimum of 11,531 square metres shall be landscape open space.
- (j) A minimum of 494 square metres of indoor amenity space shall be provided on the site and allocated as follows:
 - (i) a minimum of 200 square metres of indoor residential amenity space shall be provided within the “Amenity Centre” as shown on Schedule “RM6(141)”.
 - (ii) A minimum of 150 square metres of indoor residential amenity space shall be provided within Building C as shown on Schedule “RM6(141)”.
- (k) Notwithstanding (h) above, balconies, balcony roofs and bay windows shall be permitted to project not more than 1.8 metres into minimum yard setbacks and canopies shall be permitted to project not more than 3.9 metres into minimum yard setbacks
- (l) Section 20A.2.4.1 regarding minimum distance between buildings shall not apply.
- (m) Section 20-A.2.5 regarding gross floor area shall not apply.
- (n) The maximum height for accessory structures and uses, including access to an underground garage, exit stairs and air vents at or above established grade and outside the building envelopes for apartment house dwellings as shown on Schedule “RM6(141)” shall not exceed 5.0 metres in height.

(o) Parking

The minimum required parking spaces for Building A and Building B shown on Schedule "RM6(141)" shall be as follows:

- (i) 0.95 spaces per dwelling unit, plus
- (ii) 0.125 spaces per dwelling unit to be designated for visitors; and

(p) the minimum required parking spaces for Building C shown on Schedule "RM6(141)" shall be provided as follows:

- (i) 1.0 spaces per dwelling unit, plus
- (ii) 0.25 spaces per dwelling unit to be designated for visitors.

(q) The provisions of 20-A.2.1, regarding lot area shall not apply to the lands shown on Schedule "RM6(141)".

(r) For purposes of the exception, "existing" means existing as of the date of the enactment of the by-law which implements this exception.

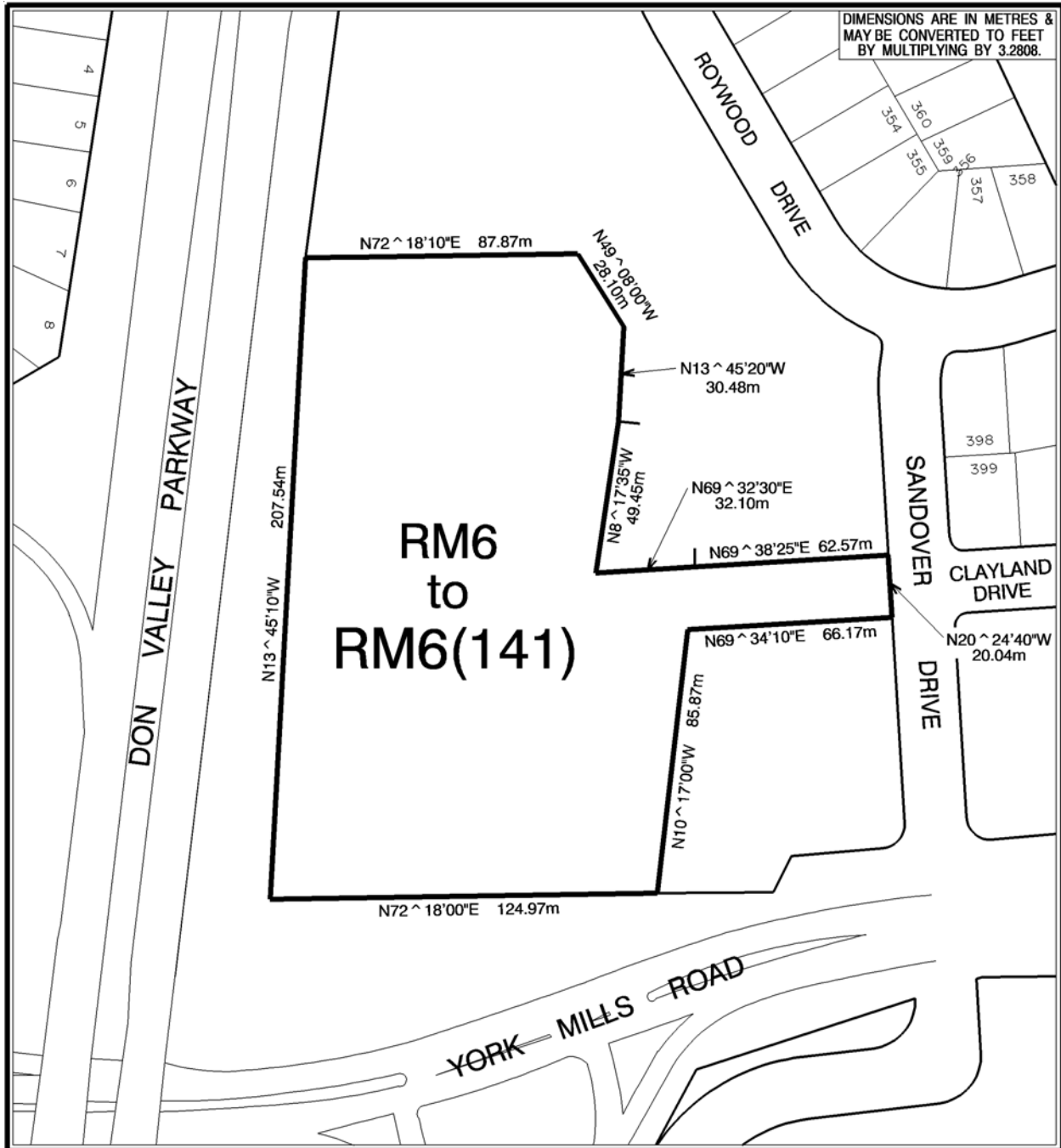
(s) Notwithstanding any severance, partition or division of the lands shown on Schedule "RM6(141)", the regulations of this exception shall continue to apply to the whole of the said lands as if no severance, partition or division had occurred."


3. Section 64.20-A of By-law No. 7625 of the former City of North York is amended by adding Schedule "RM6(141)", attached to this By-law.

4. By-law No. 21614 is repealed.

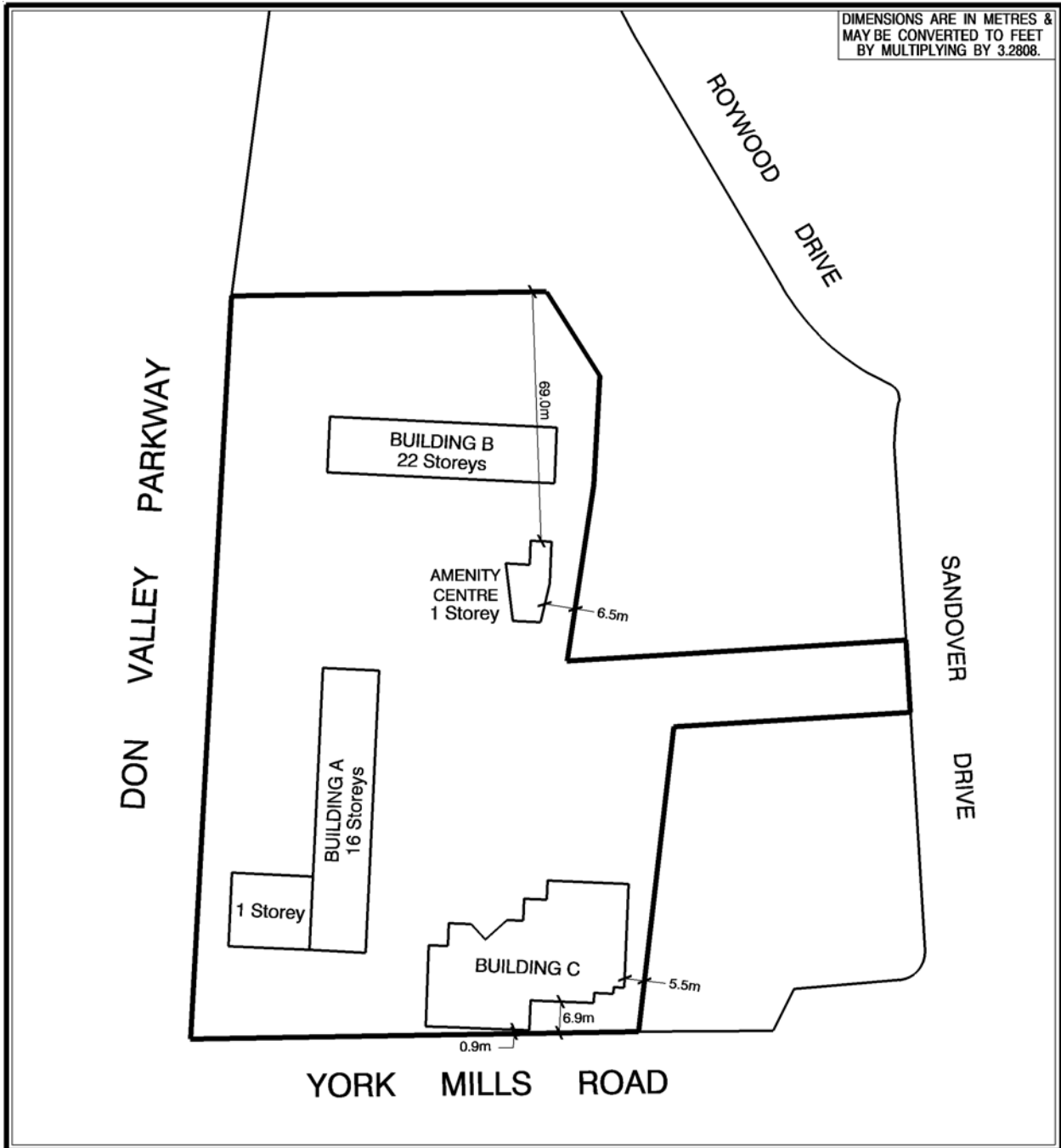
PURSUANT TO THE ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED JANUARY 7, 2008 IN BOARD FILE NO. PL021010.

SCHEDULE "1"



<p>This is Schedule " 1 " to By-Law _____</p> <p>passed the _____ day of _____, 20 _____</p>		 City Planning Division North District
(Sgd.) _____ CLERK	(Sgd.) _____ MAYOR	
Location: Block R, R.P. M-812 & Part of Lot 11, Con. 4, E.Y.S., City of Toronto		
File: TD CMB 2001 0006	Prepared by: A.A.	Approved by: L.P.
Date: AUG. 14, 2003	Filename: RM6(141)	
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 "RM6(141)"



This is Schedule "RM6(141)" to By-Law _____
 passed the _____ day of _____, 20____

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

Location: Block R, R.P. M-812 & Part of Lot 11, Con. 4, E.Y.S., City of Toronto

File No. TD CMB 2001 0006 Prepared by: A.A. Approved by: L.P. Date: AUG. 14, 2003 Filename: RM6(141)

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.

TORONTO
 City Planning Division
 North District

SUBJECT PROPERTY