

Authority: North York Community Council Item 29.35, as adopted by City of Toronto Council on November 30, December 1, 2, 4 and 7, 2009  
Enacted by Council: August 27, 2010

## **CITY OF TORONTO**

### **BY-LAW No. 1013-2010**

**To amend former City of North York Zoning By-law No. 7625, as amended, with respect to lands municipally known as 555 Finch Avenue West.**

WHEREAS authority is given to Council by 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*;

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 Schedule 1 of this By-law.
2. Section 64.18(2) of By-law No. 7625 is hereby repealed and replaced by the following:

#### **64.18(2) RM3(2)**

### **DEFINITIONS**

#### **APARTMENT HOUSE DWELLING**

- (a) For the purposes of this exception, "apartment house dwelling" shall mean a building containing more than four (4) dwelling units each having access from an internal corridor system or direct access from grade or any combination thereof with a common dining facility. The dining facility shall be made available to all residents of the "apartment house dwelling" on a daily basis and shall not function as a public dining facility.

#### **COMMUNITY SPACE**

- (b) For the purposes of this exception, "community space" shall mean space to be accessible for City and/or non-profit service providers to provide community service programs for local residents with an emphasis on activities designed for seniors.

#### **ESTABLISHED GRADE**

- (c) For the purposes of this exception, "established grade" for all development blocks shall be considered the geodetic elevation of 187.3 metres above sea level.

**DEVELOPMENT BLOCK**

- (d) For the purposes of this exception, "development block" shall mean one of the lettered blocks on Schedule RM3(2).

**GROSS FLOOR AREA**

- (e) For the purposes 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 enclosed balconies, but excluding:
- a. any part of the building used for Mechanical Floor Area;
  - b. any space used for motor vehicle access or parking; and
  - c. the floor area of unenclosed residential balconies.

**LONG TERM CARE SUPPORTIVE HOUSING**

- (f) For the purposes of this exception, "long term care supportive housing" shall mean living accommodation for senior citizens in semi-independent or dependent living arrangements, other than Apartment House Dwellings, with common lounges, activity areas, and food preparation facilities sized to be shared by all residents in the facility.

**MECHANICAL FLOOR AREA**

- (g) For the purposes 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 such as heating, ventilation, air conditioning, electrical, plumbing, fire protection, telecommunication and elevator equipment.

**NET SITE**

- (h) For the purposes of this exception "net site" shall mean the gross site area minus any lands that will be conveyed to the City of Toronto for roads, road widening or public parks, and minus any lands to be conveyed to the Toronto and Region Conservation Authority for ravine protection and renaturalization. The net site comprises an area of 48,939 m<sup>2</sup> consisting of the gross site, minus the following:

- a. lands with an area of 9,910m<sup>2</sup> to be conveyed to the City of Toronto for public road purposes being Street "A" as identified on Schedule RM3(2) to this exception;
- b. lands with an area of 2,170m<sup>2</sup> to be conveyed to the City of Toronto for public park purposes for the trail along the long term stable slope as identified on Schedule RM3(2) to this exception; and
- c. lands with an area of 21,200m<sup>2</sup> to be conveyed to the Toronto and Region Conservation Authority located below long term stable slope as identified on Schedule RM3(2) to this exception.

#### PRIVATE LANDSCAPED OPEN SPACE

- (i) For the purposes of this exception, "private landscaped open space" shall mean landscaped open space that may include including access drive aisles, below grade parking structures, recreation space, community gardens, public art, stormwater management facilities and walkways associated with the development outlined in this exception.

#### PERMITTED USES

- (j) The only permitted uses shall be:
  - a. Apartment House Dwelling;
  - b. Business and Professional Office;
  - c. Clinic;
  - d. Community Space;
  - e. Converted Dwelling;
  - f. Day Nursery;
  - g. Dispensing Pharmacy;
  - h. Double Duplex Dwelling;
  - i. Duplex Dwelling;
  - j. Health Science Research Laboratory;
  - k. Hospital;
  - l. Long Term Care Supportive Housing;
  - m. Park uses including a pedestrian trail;
  - n. Personal Service Shop;
  - o. Place of Worship;
  - p. Professional Medical Office;
  - q. Private Landscaped Open Space;
  - r. Public Art;
  - s. Religious Institution;
  - t. Recreational use;
  - u. Retail Store;
  - v. School;
  - w. Semi-Detached Dwelling;
  - x. Underground Parking Structure, including stair enclosures; and

- y. Accessory Uses.
- (k) Use Qualifications:
  - a. Outdoor recreation amenity areas may be located on roof top terraces.
  - b. Apartment House Dwellings are permitted only on Blocks "A", "B", "C", "F" and "G" as identified on Schedule RM3(2) to this exception.
  - c. For the purposes of this By-law, the common dining facility for the Apartment House Dwelling on Block "A" may be provided on another Development Block.
  - d. Long Term Care Supportive Housing is permitted only on Blocks "B", "C", "E", "H" and "I".
  - e. Business and Professional Offices, Professional Medical Offices, Clinic and Hospital uses are permitted only on Blocks "D", "E" and "F" as identified on Schedule RM3(2) to this exception.
  - f. Personal Service Shops and Retail Stores are permitted only on Blocks "D", "E", "F" and "G" as identified on Schedule RM3(2) to this exception.
  - g. On Open Space (OS) blocks as shown on Schedule RM3(2), the only permitted uses shall be parks, including pedestrian trails and Private Landscaped Open Space.
  - h. The provisions of Section 18.1(b)(iv)(B) and (C) shall not apply.

## **EXCEPTION REGULATIONS**

### **LOT COVERAGE**

- (l) The provisions of Section 18.3.2 does not apply.

### **SETBACKS**

- (m) Setbacks shall be provided in accordance with Schedule RM3(2) provided:
  - a. The minimum setback for any structure or building from property lines along Finch Avenue West is 5.0m;
  - b. The minimum setback for any structure or building from property lines along Street "A" is 1.0m or as shown on Schedule RM3(2).
- (n) Notwithstanding (m) above, the minimum front yard setback for parking structures and structures associated thereto below established grade shall be 0.0m.

- (o) The portion of any building or structure on Blocks "A", "B", "C", "E" and "F" above 7 storeys in height shall be set back an additional 1.5m from the walls of the building below 7 storeys.
- (p) The portion of any building or structure on Blocks "G" above 4 storeys in height shall be set back an additional 1.5m from the walls of the building below 7 storeys.

#### MAXIMUM GROSS FLOOR AREA

- (q) Subject to subsections (r), (s) and (t) the maximum aggregate Gross Floor Area permitted of all buildings shall be 133,700m<sup>2</sup>.
- (r) The maximum Gross Floor Area permitted within each Development Block shall not exceed:
  - a. Block A: 12,300m<sup>2</sup>
  - b. Block B: 23,900m<sup>2</sup>
  - c. Block C: 25,505m<sup>2</sup>
  - d. Block D: 9,008m<sup>2</sup>
  - e. Block E: 8,171m<sup>2</sup>
  - f. Block F: 17,720m<sup>2</sup>
  - g. Block G: 14,036m<sup>2</sup>
  - h. Block H: 13,471m<sup>2</sup>
  - i. Block I: 9,500m<sup>2</sup>
- (s) The maximum Gross Floor Area permitted for Apartment House Dwellings is 64,200m<sup>2</sup> subject to the maximum floor area within each Development Block for this use not exceeding:
  - a. Block A: 10,050m<sup>2</sup>
  - b. Block B: 14,500m<sup>2</sup>
  - c. Block C: 17,000m<sup>2</sup>
  - d. Block F: 9,000m<sup>2</sup>
  - e. Block G: 13,200m<sup>2</sup>
- (t) The maximum Gross Floor Area permitted for Long Term Care Supportive Housing is 47,471m<sup>2</sup> subject to the maximum floor area within each Development Block for this use not exceeding:
  - a. Block B: 8,400m<sup>2</sup>
  - b. Block C: 7,500m<sup>2</sup>
  - c. Block E: 2,500m<sup>2</sup>
  - d. Block F: 6,600m<sup>2</sup>
  - e. Block H: 13,471m<sup>2</sup>
  - f. Block I: 9,000m<sup>2</sup>

- (u) Personal Service Shop and Retail Store uses are limited in Gross Floor Area to a combined maximum of 2,025m<sup>2</sup>.
- (v) A minimum of 150m<sup>2</sup> of Community Space shall be provided within Block "F".
- (w) Business and Professional Office, Professional Medical Office, Clinic and Hospital uses are limited in gross floor area to a combined maximum of 13,841m<sup>2</sup>.

#### DWELLING UNITS

- (x) The maximum number of Apartment House Dwelling units on site shall be 705.

#### BUILDING HEIGHT

- (y) The maximum building heights for all buildings or structures in meters shall be as shown on Schedule RM3(2).
- (z) A minimum ground floor height of 4 metres shall be provided for buildings on Blocks "E" and "F".
- (aa) Notwithstanding subsection (y), the maximum height of buildings or structures on Block "G" shall not exceed the shortest horizontal distance from the east property line to the building or structure.
- (bb) Notwithstanding subsection (y), the maximum height of buildings or structures on Block "E" shall not exceed the shortest horizontal distance from the centre line of Finch Avenue West to the building or structure.
- (cc) Notwithstanding subsection (y), the maximum height of buildings or structures on Block "F" shall not exceed the horizontal distance from the east property line to the building or the shortest horizontal distance from the centre line of Finch Avenue West to the building or structure, whichever is less.

#### PARKING

- (dd) Parking for residential uses shall be provided above or below grade on the same development block as the residential use, or on a block immediately abutting the block containing the residential use at the following rate:
  - a. *Apartment House Dwellings*: 0.7 spaces per dwelling unit of which 0.10 spaces per unit is for visitors;
  - b. *Long Term Care Supportive Housing*: 0.25 spaces per occupied bed.

- (ee) Parking for non-residential uses shall be provided above or below grade on the same development block as the non-residential use, or on a block immediately abutting the block containing the non-residential use at the following rate:
- a. *Day Nursery*: 0.27 spaces per child, of which 0.17 spaces per child is for staff parking and 0.1 space per child is for pick-up and drop-off;
  - b. *Hospital and medical Clinic*: 2.2 spaces per 100m<sup>2</sup> of gross floor area;
  - c. *Community Space*: 1 space per 56m<sup>2</sup> of gross floor area;
  - d. *Personal Service Shops and Retail Stores*: 1 space per 56m<sup>2</sup> of gross floor area.

#### DIVISION OF LANDS

- (ff) Notwithstanding any severance or division of the site, the regulations of this exception shall continue to apply to the whole of the site as if no severance or division had occurred.

#### SECTION 37

- (gg) Pursuant to Section 37 of the *Planning Act*, the height and density of development permitted on the *land* by this By-law, are permitted in return for the provision by the Owner of the following facilities, services and matters to the City at the Owner's sole expense:
- a. The Owner enters into one or more agreements with the City pursuant to Section 37 of the *Planning Act* which shall be registered on title to the land by the City to secure the facilities, services and matters required to be provided by this subsection (gg) and consents to the registration of such agreement or agreements against title to the site;
  - b. The Owner shall provide an overall affordable housing commitment of 110 total Apartment House Dwelling units as follows:
    - i. following the completion of the first building containing Apartment House Dwelling units, a minimum of 10 percent of the overall commitment be achieved within said building;
    - ii. following the completion of the second building containing Apartment House Dwelling units, a minimum of 20 percent of the overall affordable housing commitment be provided;
    - iii. following the completion of the third building with Apartment House Dwelling units, a minimum of 40 percent of the overall affordable housing commitment be provided;

- iv. following the completion of the fourth building containing Apartment House Dwelling units, a minimum of 70 percent of overall affordable housing commitment be provided;
  - v. a total of 90 affordable housing units for the first 600 Apartment House Dwelling units constructed on site; and
  - vi. following construction of the first 600 independent living units on site, the owner shall provide affordable housing units at a minimum of rate of 20 percent of the number of independent dwelling units constructed above and beyond the initial 600 units, to a maximum of 20 additional affordable housing units.
- c. Prior to final site plan control approval for any building on Block "F", the Owner shall provide a public art contribution of \$350,000 to facilitate the design and implementation of a site wide public art program in accordance with the City's Public Art Program.
- d. The Owner shall provide and furnish a minimum of 150 square meters of Community Space within a publicly accessible portion of any building on Block "F" provided:
- i. The space is leased to the City at no cost, including rent and utilities (hydro and HVAC) and maintenance fees for a period of 25 years, renewable for an additional 25 years, at the City's sole discretion. The City will be responsible for the permitting and the day-to-day operation of the space;
  - ii. The Community Space is to be secured adjacent to a public right-of-way with direct access from a publicly accessible entry of the building or directly from Finch Avenue West or the proposed ring road, assuming public access is secured over the relevant portions of the ring road, pending its conveyance to the City;
  - iii. The space will be finished and furnished appropriately by the Owner as a multipurpose facility. The space will be initially outfitted with tables and chairs appropriate for use by seniors and contain appropriate storage areas as required by and to the satisfaction of City Parks, Forestry & Recreation staff;
  - iv. To ensure appropriate activities and non-disruptive activities are scheduled for space in a building housing Apartment House Dwellings for seniors and Long Term Care Supportive Housing, the determination of scheduling for groups and activities shall be mutually agreed to by Parks, Forestry & Recreation staff and the Owner; and



- v. To ensure optimal utilization of the space, Advent Health Care Corporation would be granted access, subject to obtaining the necessary permit from the City and be given priority access to the space if no other group has requested the space via the permitting process.
- e. Prior to the issuance of a building permit for Building "I", the Owner shall convey to the Toronto and Region Conservation Authority for nominal considerations, all the lands shown below Long Term Stable Slope (LTSS) as described on Schedule RM3(2) having an area of 2.12 hectares, to the satisfaction of the City Solicitor and the TRCA.
- f. Prior to first above grade building permit for buildings on Blocks "A" or "I", whichever occurs first, the Owner shall convey lands totalling 2,170 square metres, between the Long Term Stable Slope and the nearest Development Blocks, to the City of Toronto for Parks purposes, being the lands shown on Schedule RM3(2), to the satisfaction of the City Solicitor, for the purpose of a pedestrian trail.
- g. Prior to the Owner occupying Building "A", the Owner shall prepare and implement a ravine stewardship plan for the lands referred to the (e) and (f) which shall include the construction and maintenance of a pedestrian trail along top of bank as well as renaturalization of the buffer lands to the satisfaction of the Toronto and Region Conservation Authority and City of Toronto Parks, Forestry & Recreation. The ravine stewardship plan will be secured through an agreement pursuant to Section 41 of the *Planning Act* and Section 114 of the *City of Toronto Act* as part of the site plan approval for Development Block "I".
- h. Prior to the completion of buildings on Block "A", the Owner shall provide public access easements for the purpose of pedestrian connections to the trail from the proposed public road to the trail secured via public access easements in the following locations:
  - i. From the proposed road to the trail over the area between the building on Block "A" and the west property line; and
  - ii. Over the existing surface easement to the south of the building on Block "I";
- i. The Owner shall construct and convey to the City, for a nominal sum, a new public road within an 18.5m right of way labelled Street "A" on Schedule RM3(2) to this by-law, free and clear, above and below grade, of encumbrances save and except those encumbrances that are deemed acceptable to Executive Director, Technical Services, Executive Director, Transportation Services and the City Solicitor, which shall include limited underground pedestrian and vehicular links prior to:

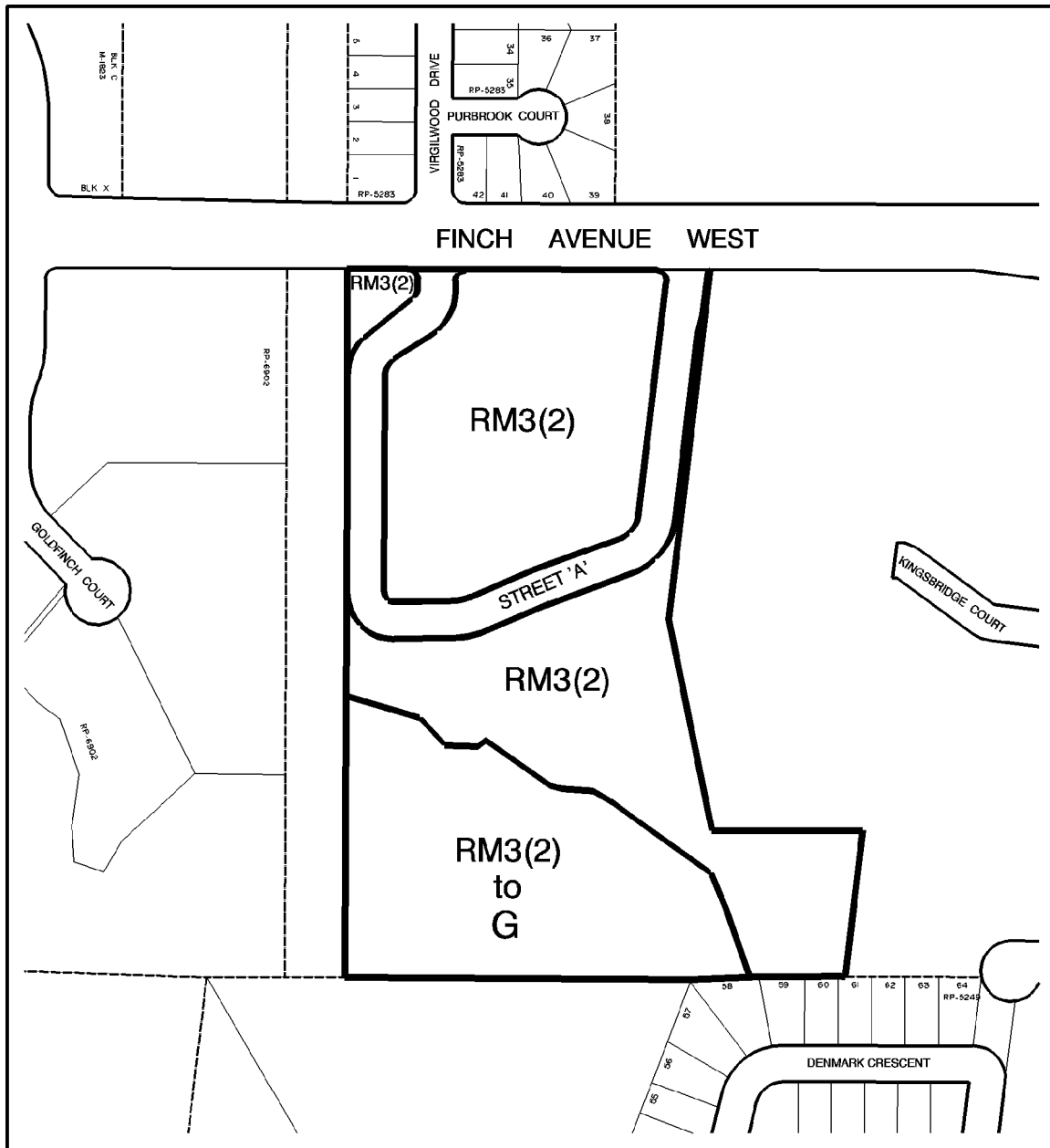
- i. The issuance of any building permit that causes the gross floor area to equal or exceed 130,000m<sup>2</sup>; or
- ii. 20 years from the execution of the Section 37 Agreement.
- j. Prior to the completion of the pedestrian trail, the Owner shall provide a public access easement to the City over the aforementioned 18.5m right of way, pending its conveyance to the City.
- k. The Owner shall construct the new public road, including but not limited to sanitary and storm sewers, watermain, standard boulevards, electrical distribution, street lighting, and utilities to City of Toronto Standards.

ENACTED AND PASSED this 27th day of August, A.D. 2010.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)





Not to Scale  
10/14/2009



### Lands to be conveyed to TRCA

### Lands to be conveyed to City of Toronto

File # 04 166416