

Authority: North York Community Council Item 36.71,
as adopted by City of Toronto Council on August 25, 26 and 27, 2010
Enacted by Council: August 27, 2010

CITY OF TORONTO

BY-LAW No. 1021-2010

To amend former City of North York Zoning By-law No. 7625, as amended, with respect to lands municipally known as 1265 to 1277 York Mills Road.

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*; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the council of a 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, the 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 owners of the lands hereinafter referred to have elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increase in the density 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 owners of such lands and the City of Toronto; and

WHEREAS the City of Toronto has required the owners 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 in connection with the aforesaid lands as permitted by this By-law;

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 64.23 of By-law No. 7625 of the former City of North York is amended by adding the following new subsection:

64.23(130) C1(130)

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 this exception, Buildings A, B, C, D, E, F and G shall mean Buildings A, B, C, D, E, F and G as shown on Schedules C1(130)A and C1(130)B.
- (c) For the purpose of this exception, established grade shall mean a geodetic elevation of 169.0 metres.

PERMITTED USES

- (d) The only permitted uses shall be:
 - (i) Apartment house dwellings and uses accessory thereto, including recreational facilities and amenity areas;
 - (ii) Multiple attached dwellings;
 - (iii) Retail stores, grocery store, restaurants, take-out restaurants, outdoor cafés, personal service shops, offices, banks, dry cleaning and laundry collecting establishments, service shops and fitness centres.
 - (iv) Temporary sales office.
- (e) Use Qualifications
 - (i) Retail stores, restaurants, take-out restaurants, outdoor cafés, personal service shops, offices, banks, dry cleaning and laundry collecting establishments, service shops and fitness centres are also permitted on the ground floor of an apartment house dwelling.

EXCEPTION REGULATIONS

- (f) Dwelling Units
 - (i) A maximum of 741 dwelling units in all buildings shall be permitted.
 - (ii) Buildings A and C combined shall have a maximum of 294 dwelling units.

- (iii) Buildings B and D combined shall have a maximum of 247 dwelling units.
 - (iv) Building E shall have a maximum of 182 dwelling units.
 - (v) Building F shall have a maximum of 18 dwelling units.
 - (vi) Notwithstanding section (f)(ii), (iii), (iv) and (v) above, increases up to 10% of the maximum number of dwelling units, as permitted within each of Buildings A, B, C, D, E and F are allowed provided the total number of dwelling units in all the buildings combined does not exceed 741 dwelling units.
- (g) Gross Floor Area
- (i) The total gross floor area of all buildings shall be 74,589 m².
 - (ii) The maximum gross floor area of Buildings A and C combined shall be 27,532 m².
 - (iii) The maximum gross floor area of Buildings B and D combined shall be 23,004 m².
 - (iv) The maximum gross floor area of Building E shall be 15,950 m².
 - (v) The maximum gross floor area of Building F shall be 2,034 m².
 - (vi) The maximum gross floor area of Building G shall be 6,069 m².
- (h) The provisions of Sections 16.2.2, 20.2.2 and 23.2.1(lot coverage) shall not apply.
- (i) The provisions of Section 23.2.4 (requirements for dwellings in commercial buildings) shall not apply.
- (j) Building Height
- (i) The maximum building heights shall not exceed the maximum heights in metres and number of storeys as set out on Schedule C1(130)B.
 - (ii) A penthouse or other roof structure which is used only as an ornament or to house the mechanical equipment of the building:
 - (A) does not constitute a storey and shall be disregarded in calculating the height of the building;
 - (B) shall not exceed a height of 5 metres; and

- (C) shall cover no more than 50% of the area of the roof of Building E and no more than 33% of the area of the roof for any other building.

(k) Building Envelopes

- (i) The maximum above ground building envelopes for Buildings A, B, C, D, E, F and G, and excluding parking garages and mechanical structures, shall be as set out on Schedule C1(130)B.
- (ii) Permitted projections outside of building envelopes
 - (A) Canopies, balconies, porches and decks shall be permitted to project outside of the building envelopes a maximum of 2.1 metres.
 - (B) Belt courses, chimney breasts, cornices, eaves or gutters, pilasters and sills shall be permitted to project outside of the building envelopes a maximum of 0.5 metres.
 - (C) Exterior stairways, ramps, pergolas and gazebos are permitted to project outside of building envelopes.

(l) Landscaping

The provisions of Section 15.8 (landscaping) shall not apply.

(m) Distance Between Buildings

- (i) The provisions of Section 16.3.2 shall not apply.
- (ii) The minimum distance between Buildings A, B, C, D, E, F and G shall be as set out on Schedule C1(130)B.

(n) The provisions of Sections 16.2.1 and 20.2.1 (lot area) shall not apply.

(o) The provisions of Sections 16.2.3 and 20.2.3 (street and lot frontage) shall not apply.

(p) The provisions of Section 16.2.5 (floor area) shall not apply.

(q) Yard Setbacks

The minimum yard setbacks for all buildings and structures shall be as set out on Schedule C1(130)B.

(r) Recreational Amenity Area

- (i) For an apartment house dwelling a minimum of 1.5 square metres of indoor private recreational amenity area per dwelling unit shall be provided.
- (ii) For an apartment house dwelling a minimum of 1.5 square metres of outdoor private recreational amenity area per dwelling unit shall be provided.

(s) Parking Requirements

- (i) For an apartment house dwelling parking spaces shall be provided at the following rates:
 - (A) Minimum 0.9 parking spaces per dwelling unit for a studio and 1 bedroom unit;
 - (B) Minimum 1.0 parking space per dwelling unit for a 2 bedroom unit;
 - (C) Minimum 1.2 parking spaces per dwelling unit for a 3 bedroom unit;
 - (D) For residential visitors, minimum 0.2 parking spaces per dwelling unit for an apartment house dwelling of which up to 50% of the parking spaces may be shared with the retail parking.
- (ii) For a multiple attached dwelling parking spaces shall be provided at the following rates:
 - (A) Minimum of 1.0 parking space per dwelling unit;
 - (B) For residential visitors, minimum 0.5 parking spaces per dwelling unit for a multiple attached dwelling of which up to 50% of the spaces may be shared with the retail parking.
- (iii) For a grocery store a minimum of 2.5 parking spaces per 100 m² of gross floor area shall be provided.
- (iv) For any other retail store, personal service shop, restaurant, outdoor café, bank, dry cleaning and laundry collecting establishment and office, a minimum of 1.5 parking spaces per 100 m² of gross floor area shall be provided.
- (v) Up to 50% of the residential visitor parking spaces may be shared with the retail parking.

(t) Bicycle Parking

- (i) For an apartment house dwelling and multiple attached dwelling a minimum of 0.75 bicycle parking spaces per dwelling unit shall be provided of which 80% shall be long term bicycle parking and 20% shall be short term bicycle parking.
- (ii) For a grocery store and any other retail use the following bicycle parking rates shall apply:
 - (A) A minimum of 0.13 bicycle parking spaces per 100 m² of gross floor area shall be provided for long term bicycle parking.
 - (B) The greater of 0.25 bicycle parking spaces per 100 m² of gross floor area or 6 bicycle parking spaces shall be provided for short term bicycle parking.
- (iii) Long term bicycle parking shall be bicycle parking spaces for use by the occupants, residents or tenants of a building.
- (iv) Short term bicycle parking shall be bicycle parking spaces for use by visitors to a building.

(u) Division of Lands

Notwithstanding any severance or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the lands.

Other

- (v) The existing buildings and existing uses located within the buildings existing on the date of enactment of this By-law shall continue to be permitted so long as that portion of the building has not been demolished.
- (w) 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:
 - (i) 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
 - (ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

SECTION 37 AGREEMENT

(x) Pursuant to Section 37 of the *Planning Act* and subject to compliance with the provisions of this By-law, the increase in density and height of development permitted by this By-law is permitted subject to compliance with the conditions set out herein and provided that the owner, at its expense and in accordance with and subject to the agreement(s) referred to in this By-law provides the following facilities, services and matters:

(i) The owner shall provide a financial contribution of \$1.5 million dollars indexed to the Statistics Canada Non-Residential Construction Price Index for Toronto from the date this By-law comes into force. The financial contribution shall be used by the City for;

(A) The expansion and/or renovation of the Brookbanks Library;

(B) Construction of a recreation-community facility on the Brookbanks Library Site;

(C) the construction of a combined Brookbanks Library/recreation-community facility on the Brookbanks Library site; and/or

(D) Capital improvements for any recreation-community facility in the area

The agreement shall provide that payment of this financial contribution shall be made on the following basis:

(A) \$200,000 shall be paid no later than 5 days after the Zoning By-law amendment for the redevelopment is final and binding; and

(B) Prior to the issuance of each residential building permit, the owner shall pay a contribution of \$2,000 per residential unit up to a maximum of \$1.3 million dollars, which payments shall be indexed as described in this By-law;

(ii) Prior to the issuance of the first residential building permit, the owner shall convey to the City for nominal consideration and free from encumbrances, land adjacent to Brookbanks Library, generally shown as "O1" on Schedule 1 and having an area of approximately 1067 m², which lands will form part of the Brookbanks Library site;

(iii) The section 37 agreement shall require the owner, provided the City determines to install any of the community facilities described in this By-law at the Brookbanks Library site, to convey to the City for nominal consideration and free from encumbrances an easement to provide vehicular and pedestrian access to the Brookbanks Library site.

The easement shall be conveyed at the time of commencement by the City of installation of any of the community facilities at the Brookbanks Library site. The location of the easement shall be established at the time of site plan approval and the easement shall link Fenside Drive to Brookbanks Drive. However, the Owner shall be released from this obligation if installation of community facilities at the Brookbanks Library site has not commenced within ten years after the issuance of the building permit for the last of Buildings A, B, C, D, E and F.

- (iv) The owner shall enter into one or more agreements with the City pursuant to Section 37 of the *Planning Act*, which shall be registered on title to the lands by the City to secure the above matters. An agreement with the owner may secure the following development-related matters, which matters are not characterized as community benefits:
 - (A) Prior to the issuance of a building permit for each of Buildings A, B, C, D, E, F, G, the owner shall submit a site plan approval application for the respective building and shall be required to obtain site plan approval for that building.
 - (B) Prior to site plan approval for the 301st dwelling unit, the owner shall provide a Letter of Credit in the amount of \$211,300 to the City of Toronto, Technical Services to the satisfaction of the Director, Development Engineering and prior to the issuance of a building permit for the 301st dwelling unit shall install the necessary sanitary sewer improvements to support the development at 1265 to 1277 York Mills Road. The owner is also required to submit in conjunction with the security a certified cheque in the amount of \$11,940.00, representing the engineering fee for the above infrastructure improvements.
 - (C) The owner shall prepare a Construction Management Plan and a Neighbourhood Communication Strategy, prior to the issuance of the first building permit (including demolition and/or excavation permit), to the satisfaction of the Executive Director Technical Services in consultation with the Chief Planner and Executive Director, City Planning.
 - (D) The owner shall pay the City's costs to complete a traffic management study with respect to measures that could improve safety and vehicular movements and congestion around the intersection of Fenside Drive and Brookbanks Drive.
- (y) Wherever in this By-law a provision required the execution and registration of an agreement entered into with the City pursuant to Section 37 of the *Planning Act* in accordance with the provisions of section (x) hereof, then once such agreement has been executed and registered, the increase of height and density shall continue

to be effective notwithstanding any subsequent release or discharge of any part of such agreement.

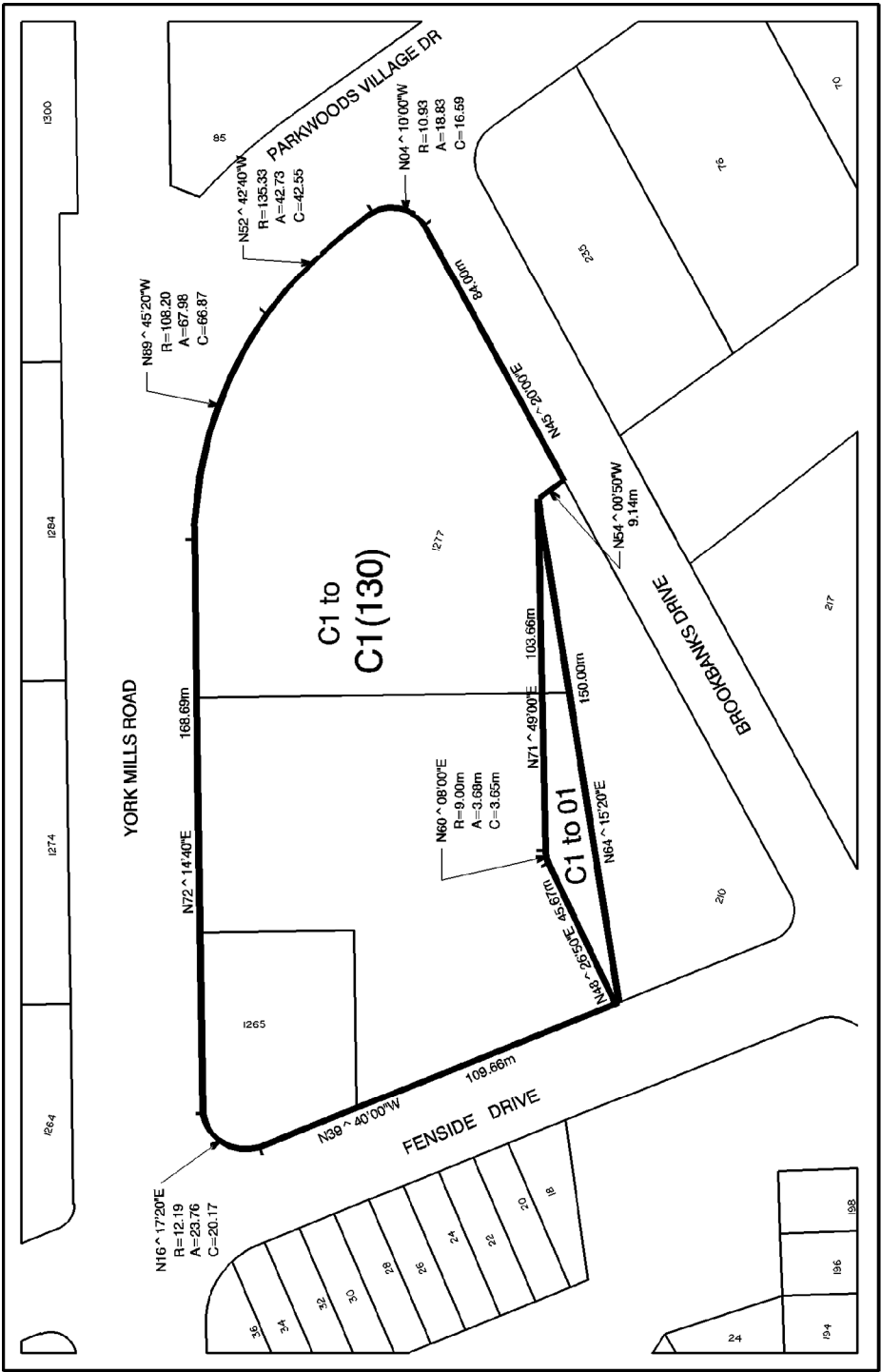
- 3.** Section 64.23(130) of By-law No. 7625 is amended by adding Schedules C1(130)A and C1(130)B attached to this By-law.

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

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)



Schedule 1

Block H Registered Plan 5439, City of Toronto
Marshall Macklin Monaghan Ontario Limited
Date: 07/20/2010
Approved by: N.S.

File # 08_117642
Not to Scale

