

Authority: North York Community Council Item 9.46, as adopted by City of Toronto Council on September 21 and 22, 2011 and MM25.30, as adopted by City of Toronto Council on July 11, 12 and 13, 2012
Enacted by Council: July 13, 2012

CITY OF TORONTO

BY-LAW No. 992-2012

To amend former City of North York By-law No. 7625 in respect of lands known municipally as 35-53 and 101-113 Valley Woods Road and 1213-1229 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 Schedules 1A and 1B of this By-law.

2. Upon execution and registration of an agreement or agreements with the owner of the site pursuant to Section 37 of the *Planning Act* securing the provision of the facilities and services and matters set out in Section 3 hereof, the site is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirement.
3. Section 64.20-A of By-law No. 7625 of the former City of North York is amended by adding the following new subsection:

64.20-A(201) RM6(201)

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, G and H shall mean Buildings A, B, C, D, E, F, G and H as shown on Schedules RM6(201)A, RM6(201)B and RM6(201)C.
- (c) For the purpose of this exception Parcels A, B, C and D shall mean those lands shown as Parcels A, B, C and D on Schedules RM6(201)A, RM6(201)B and RM6(201)C.
- (d) For the purpose of this exception, established grade shall mean a geodetic elevation of:
 - (i) 163.7 metres for Parcel A.
 - (ii) For Parcel B: 165 metres for Building A, 164.4 metres for Building B , and 163.5 metres for Building C.
 - (iii) 164.5 metres for Parcel C.
 - (iv) 164.3 metres for Parcel D.

PERMITTED USES

- (e) The only permitted uses on Parcels A, B and C shall be:
 - (i) Apartment house dwellings and uses accessory thereto, including recreational facilities and amenity areas.
 - (ii) Multiple attached dwellings.

- (iii) Temporary sales office.
- (iv) Retail store in Building D, with a maximum floor area of 190 m².
- (f) The only permitted uses on Parcel D shall be:
 - (i) Apartment house dwellings and multiple attached dwellings and uses accessory thereto, including recreational facilities and amenity areas.

EXCEPTION REGULATIONS

- (g) Dwelling Units
 - (i) The total number of dwelling units on all of Parcels A, B, C and D combined shall not exceed 1,880 dwelling units.
 - (ii) Buildings A and B combined shall have a maximum of 525 dwelling units.
 - (iii) Building C shall have a maximum of 180 dwelling units.
 - (iv) Building D shall have a maximum of 351 dwelling units.
 - (v) Building E shall have a maximum of 140 dwelling units.
 - (vi) Buildings F and G combined shall have a maximum of 444 dwelling units.
 - (vii) Building H shall have a maximum of 110 dwelling units.
 - (viii) Parcel D shall have a maximum of 130 dwelling units.
 - (ix) Notwithstanding section (g)(ii), (iii) and (iv), above, increases up to 5% of the maximum number of dwelling units, as permitted within each of Buildings A, B, C and D, are allowed provided the total number of dwelling units for Buildings A, B, C and D, combined does not exceed 1,056 dwelling units.
 - (x) Notwithstanding section (g)(vi) and (vii) above, increases up to 5% of the maximum number of dwelling units, as permitted within each of Buildings F, G and H are allowed provided the total number of dwelling units for Buildings F, G and H combined does not exceed 554 dwelling units.
- (h) Gross Floor Area
 - (i) The total gross floor area of all buildings on Parcels A, B, C and D combined shall be a maximum of 156,095 m².

- (ii) The maximum gross floor area of Buildings A and B combined shall be 41,483 m².
 - (iii) The maximum gross floor area of Building C shall be 15,573 m².
 - (iv) The maximum gross floor area of Building D shall be 25,458 m².
 - (v) The maximum gross floor area of Building E shall be 12,998 m².
 - (vi) The maximum gross floor area of Building F and G combined shall be 36,524 m².
 - (vii) The maximum gross floor area of Building H shall be 10,411 m².
 - (viii) The maximum gross floor area of all buildings on Parcel D shall be 13,651 m².
 - (ix) For Building E and Parcel D, storage locker space and bicycle parking area, located within a building but not within a dwelling unit shall be excluded from the calculation of gross floor area.
- (i) The provisions of Sections 16.2.2 and 20-A.2.2 (lot coverage) shall not apply.
 - (j) Building Height
 - (i) The provisions of Section 20-A.2.6 and 16.2.6 (building height) shall not apply. The maximum building heights shall not exceed the maximum heights in metres and number of storeys as set out on Schedules RM6(201)B and RM6(201)C.
 - (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 40% of the area of the roof.
 - (k) Building Envelopes
 - (i) The maximum above ground building envelopes excluding parking garages and mechanical structures shall be as set out on Schedules RM6(201)B and RM6(201)C.

- (ii) No buildings except for permitted projections as set out in subsection (iii) below shall be permitted beyond the building envelopes as set out on Schedules RM6(201)B and RM6(201)C.
- (iii) Permitted projections outside of building envelopes
 - (A) Exterior stairways, canopies, balconies, porches and decks shall be permitted to project outside the building envelopes a maximum of 1.6 metres.
 - (B) Canopies located at a principal entrance to a building shall be permitted to project outside the building envelopes a maximum of 2.5 metres provided the canopy is no higher than the first storey.
 - (C) Belt courses, chimney breasts, cornices, eaves or gutters, pilasters and sills shall be permitted to project outside the building envelopes a maximum of 0.5 metres.
 - (D) Exterior stairways, ramps, pergolas and gazebos are permitted to project outside the 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 and Section 20-A.2.4.1 shall not apply.
 - (ii) The minimum distance between above grade portions of Buildings A, B, C, D, E, F, G and H shall be as set out on Schedules RM6(201)B and RM6(201)C.
 - (iii) The minimum distance between above grade portions of all buildings on Parcel D shall be as set out on Schedule RM6(201)C.
- (n) The provisions of Sections 16.2.1 and 20-A.2.1 (lot area) shall not apply.
- (o) The provisions of Sections 16.2.3 and 20-A.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
 - (i) The minimum yard setbacks for all buildings and structures shall be as set out on Schedules RM6(201)B and RM6(201)C.

(r) Recreational Amenity Area

- (i) For an apartment house dwelling in Parcels A, B, and C a minimum of 1.5 square metres of indoor private recreational amenity area per dwelling unit shall be provided in the building.
- (ii) For an apartment house dwelling in Parcels A, B, and C a minimum of 1.5 square metres of outdoor private recreational amenity area per dwelling unit shall be provided on the site.
- (iii) For Parcel D 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 0.8 parking spaces per dwelling unit for a bachelor unit;
 - (B) Minimum 0.9 parking spaces for a 1 bedroom unit;
 - (C) Minimum 1.0 parking space per dwelling unit for a 2 bedroom unit;
 - (D) Minimum 1.2 parking spaces per dwelling unit for a 3 or more bedroom unit;
 - (E) For residential visitors, minimum 0.2 parking spaces per dwelling unit.
- (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 0.2 parking spaces per dwelling unit.

(t) Bicycle Parking Spaces

For an apartment house dwelling, bicycle parking spaces shall be provided as follows:

- (i) Long-term bicycle parking spaces shall be provided at a rate of minimum 0.7 spaces per dwelling unit.

- (ii) Short-term bicycle parking spaces shall be provided at a rate of minimum 0.08 spaces per dwelling unit.
- (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) Loading Spaces
 - (i) Buildings A and B shall provide a minimum of 1 shared loading space.
 - (ii) Building C shall provide a minimum of 1 loading space.
 - (iii) Buildings D and E shall provide a minimum of 1 shared loading space.
 - (iv) Buildings F and G shall provide a minimum of 1 shared loading space.
 - (v) Building H shall provide a minimum of 1 loading space.
 - (vi) On parcel D a minimum of 1 loading space shall be provided.
- (v) 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

- (w) The existing buildings and existing uses located within the buildings existing on the date of enactment of the By-law shall continue to be permitted so long as that portion of the building has not been demolished.
- (x) Excluding Parcel D, 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

- (y) Pursuant to Section 37 of the Planning Act and subject to compliance with the provisions of this By-law, the increase in height and density of development on

the lands is 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, in accordance with an agreement or agreements, in a form satisfactory to the Chief Planner and Executive Director, City Planning Division and the City Solicitor and such agreement(s) shall be registered against title to the lands as outlined in heavy lines on Schedules 1A and 1B to secure the following facilities, services or matters:

- (i) The owner shall make a financial contribution to the City in the amount of \$2,400,000, of which \$2,150,000 is to be used for the expansion and/or renovation of Brookbanks Library or the construction of the combined Brookbanks Library/Recreation-community centre facilities on the Brookbanks Library site or other community recreational facility in the area, and \$250,000 is to be used for the future rehabilitation and/or renovation of the Milne House in Ward 34. The financial contribution is to be paid by certified cheque as follows:
 - (A) A cash contribution of \$304,000 paid prior to the issuance of any building permit for Building A.
 - (B) A cash contribution of \$303,000 paid prior to the issuance of any building permit for Building B.
 - (C) A cash contribution of \$163,000 paid prior to the issuance of any building permit for Building C.
 - (D) A cash contribution of \$385,000 paid prior to the issuance of any building permit for Building D.
 - (E) A cash contribution of \$244,000 paid prior to the issuance of any building permit for Building F.
 - (F) A cash contribution of \$234,000 paid prior to the issuance of any building permit for Building G.
 - (G) A cash contribution of \$517,000 paid prior to the issuance of any building permit for Building H.
 - (H) The owner shall make the financial contribution of \$250,000 for the future rehabilitation and/or renovation of the Milne House prior to the issuance of any building permit for Building A.
- (ii) In addition, the owner shall make a further financial contribution to the City in the amount of \$250,000 to be used for capital improvements to publicly owned affordable housing projects in the community. The financial contribution is to be paid prior to the issuance of any building permit for the first non-rental residential building.

- (iii) The above financial contributions shall be indexed to reflect any increases to the Statistics Canada Non-Residential Construction Price Index for Toronto, and calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City.
- (iv) The provision and maintenance on the site of not less than 270 new replacement rental dwelling units, comprising at least 25 affordable rental dwelling units and 245 rental dwelling units with rents no higher than mid-range rents, which units shall be of a size to the satisfaction of the City's Chief Planner and Executive Director, City Planning Division, subject to the following:
1. 130 townhouse/multiple attached dwellings and stacked townhouse/apartment units located on Parcel D shall comprise 100 three-bedroom units and 30 four-bedroom units, and shall include storage lockers for each of the 100 three-bedroom units.
 2. 140 dwelling units in an apartment building located on Building E shall comprise 30 one-bedroom units, 48 two-bedroom units, and 62 three-bedroom units, and shall include storage lockers for each of the two and three-bedroom apartments.
 3. The replacement rental dwelling units shall be maintained as rental units for at least 20 years, beginning with the date that each unit is occupied and until the owner obtains approval for a zoning by-law amendment removing the requirement for the replacement rental units to be maintained as rental units.
 4. The 130 replacement rental dwelling units to be located on Parcel D shall be ready and available for occupancy prior to the issuance of any permit for demolition for any of the rental dwelling units on Parcels A, B and C existing on the lands at the date of enactment of this By-law.
 5. The 140 replacement rental dwelling units to be located in Building E on Parcel A shall be ready and available for occupancy prior to the issuance of any permit for demolition for any of the rental dwelling units on Parcel C existing on the lands at the date of enactment of this By-law, and prior to the earlier of:
 - a. the date that 80% of the condominium units to be located in the first two condominium buildings to be built on Parcels A and/or B are ready and available for occupancy; or
 - b. the issuance of a building permit for the first building on Parcel C, or the third condominium building to be built on Parcels A or B.

6. The owner shall provide and maintain affordable rents charged to the tenants who rent each of the 25 designated affordable replacement rental dwelling units during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type, and, upon turn-over, the rent charged to any new tenant shall not exceed the greater of the most recently charged rent or the most recent Fall Update Rental Market Report average rent for the City of Toronto by unit type and over the course of the 10 year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above-guideline increases.
 7. The owner shall provide and maintain rents no greater than mid-range rents charged to the tenants who rent each of the designated 245 replacement rental dwelling units with mid-range rents during the first 10 years of its occupancy, with mid-range rents on the same basis as (iv) 6 except that the maximum mid-range rent shall not exceed an amount that is 1.5 times average market rent by unit type.
 8. Rents charged to tenants occupying a replacement rental dwelling unit at the end of the 10-year period set forth in (iv) 6 shall be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, so long as they continue to occupy their dwelling unit or until the expiry of the rental tenure period set forth in (iv) 3 with a phase-in period of a least three years for rent increases.
 9. Rents charged to tenants newly occupying a replacement rental dwelling unit after the completion of the 10-year period set forth in (iv) 6 will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement
- (v) The owner shall provide tenant relocation assistance in accordance with the more detailed Tenant Relocation and Assistance Plan to be included in the agreement or agreements, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, for tenants in the existing buildings on the lands, and that requires at least:
1. The right to return to a replacement unit for all tenants in the existing rental units.
 2. A phasing plan that will minimize the number of people who must relocate off-site while the first 130 replacement rental units are

being built on Parcel D, and retain the existing townhouses on Parcel C until the replacement rental apartment building on Parcel A is ready and available for occupancy to accommodate some of the tenants who must wait for the replacement rental building on Parcel A to be completed.

3. All tenants will receive extended notice of the date they must vacate for the demolition of their buildings
 4. The owner shall make available vacant rental units in the existing rental buildings that are scheduled for later demolition to tenants for temporary relocation at the time that their building is being demolished, in order of seniority and with provisions for special needs, and with the same rents and on the same terms as their leases on the date that they are required to vacate the unit proposed for demolition.
 5. Returning tenants will choose their replacement units by seniority, with provisions for special needs tenants.
 6. A proportion of replacement rental units most suitable for families on both Parcels A and D will be initially reserved for families with at least 1 child under 18 years of age.
 7. All tenants eligible for financial assistance provided for in the Tenant Relocation and Assistance Plan will receive a moving allowance, and those who relocate off-site and must find their own accommodation will be eligible for additional assistance on a sliding scale based on length of occupancy, and with provisions for those tenants with special needs.
- (vi) The owner shall prepare a Construction Mitigation and Tenant Communication Strategy, prior to the issuance of the first building permit (including for demolition or for excavation) in each phase of the construction, to the satisfaction of the Chief Planner and Executive Director, City Planning.
- (vii) The owner agrees that construction shall proceed in accordance with the following development Phasing Plan:
- Phase 1
 - Demolition of about 60 rental townhouses at the southern part of the south site and maintaining the remaining 42 rental units.
 - Construction of 130 new rental replacement townhouses and stacked townhouses in the south site.
 - Retention of the outdoor pool.

- Phase 2
 - Demolition of 143 rental units in the north site.
 - Construction of the new public road in the north site.
 - Construction of 2 residential condominium buildings in the north site with 525 units.
 - Construction and completion of a residential rental replacement building in the north site with 140 units.
 - Dedication of parkland on the north site.

- Phase 3
 - Construction of 2 residential condominium buildings in the north site with 531 units.

- Phase 4
 - Demolition of the remaining (about 42) rental townhouses on the south site.
 - Construction of 3 residential condominium buildings in the south site with 554 units.
 - Dedication of parkland on the south site.
 - Phase 4 can commence prior to the completion of Phase 3.

and the in-ground swimming pool on the south site shall continue to be maintained and made available to the tenants, with its removal to be no earlier than the issuance of the demolition permits for the remaining townhouses on the south site.

- (viii) The owner shall prepare a Construction Management Plan and Neighbourhood Communication Strategy, prior to the issuance of the first building permit (including demolition and/or excavation permit), to the satisfaction of the Director, Development Engineering, Technical Services Division in consultation with the Chief Planner and Executive Director, City Planning.

- (ix) Prior to the issuance of any building permit for any residential building in Phase 2, the owner agrees to provide a certified cheque to the Toronto Transit Commission (T.T.C.) for \$100,000 for transit signal priority intersection improvements as noted in the memorandum of the Toronto Transit Commission dated April 12, 2011.

- (z) The owner shall enter into one or more agreements with the City pursuant to Section 37 of the Planning Act to secure the matters provided for in section (y). Until such time as the agreement is executed by the owner, in a form satisfactory to the City Solicitor, and is registered on title to the entire site to the satisfaction of the City Solicitor, none of the provisions as set out in this By-law shall apply.

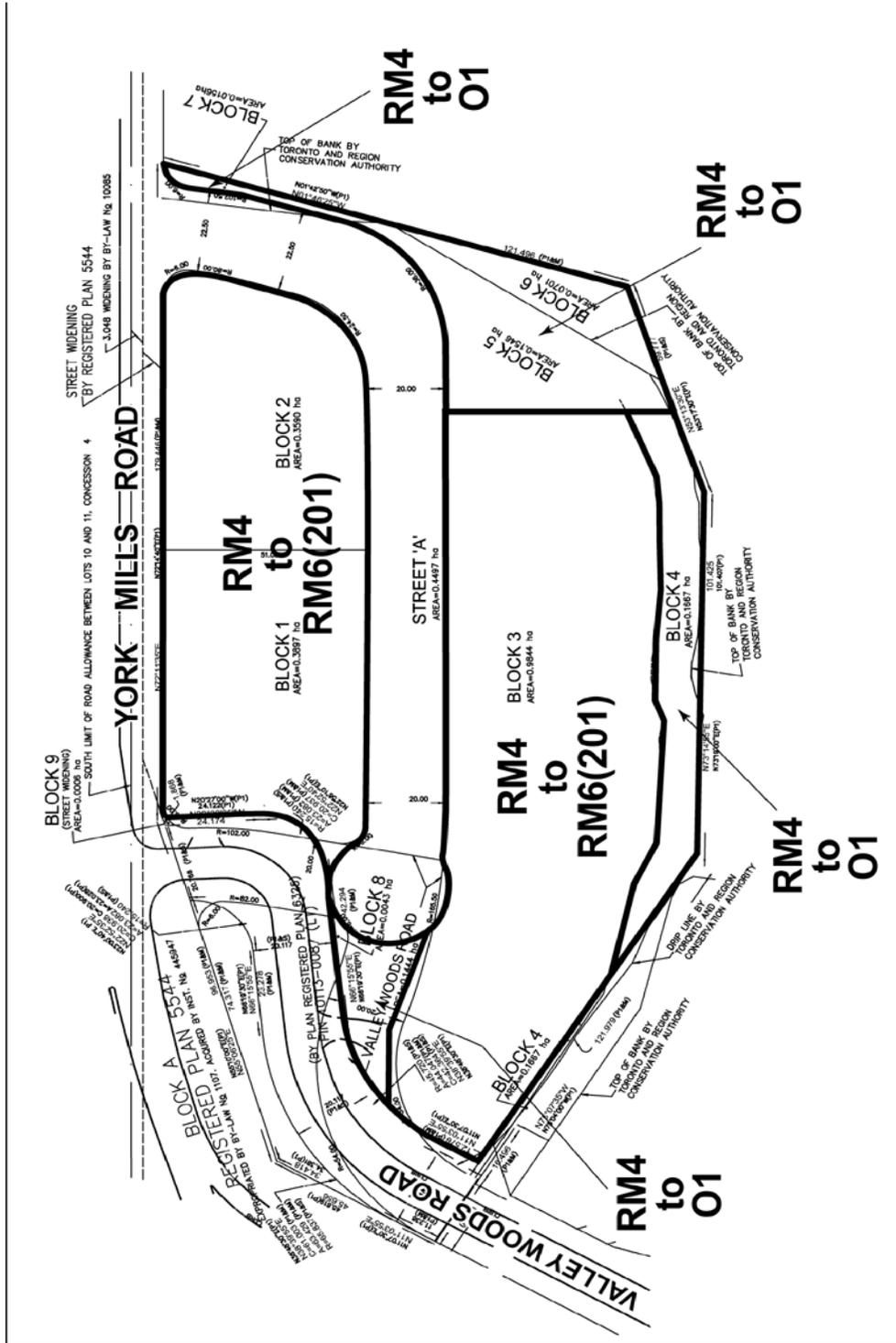
- (aa) Building permit issuance with respect to the lands to which this By-law applies shall be dependent upon satisfaction of the provisions in this By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.
- (bb) Wherever in the 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 (y) 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.
4. Section 64.20-A(201) of By-law No. 7625 is amended by adding Schedules RM6(201)A, RM6(201)B and RM6(201)C attached to this By-law.

ENACTED AND PASSED this 13th day of July, A.D. 2012.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

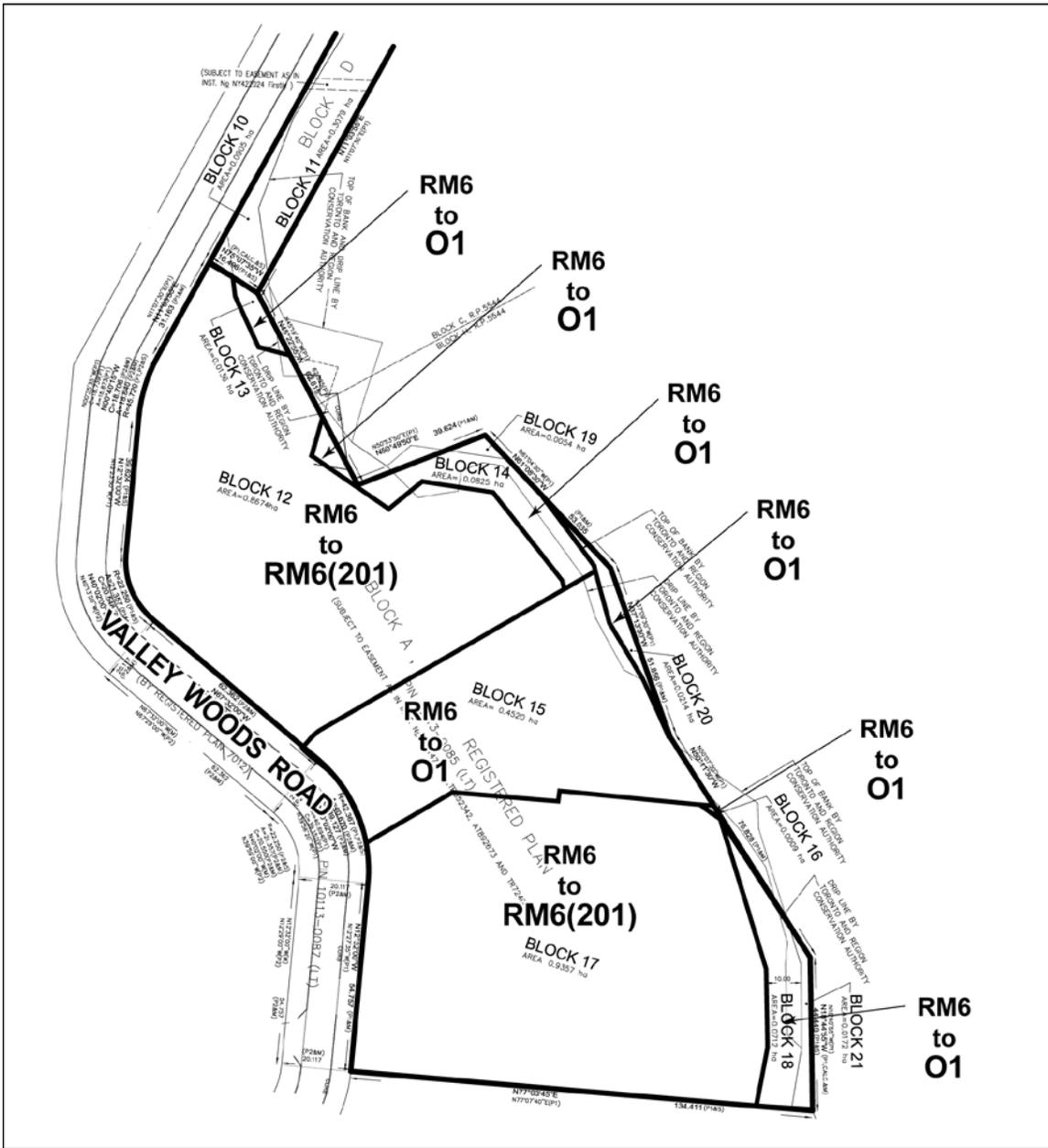


Schedule 1A

File # 07_288330



Blocks A, R.P. 6325 and Blocks A and D, R.P. 7012, City of Toronto
 Krcmar Surveyors Ltd.
 Date: 06/26/2012
 Approved by: N. Salamon



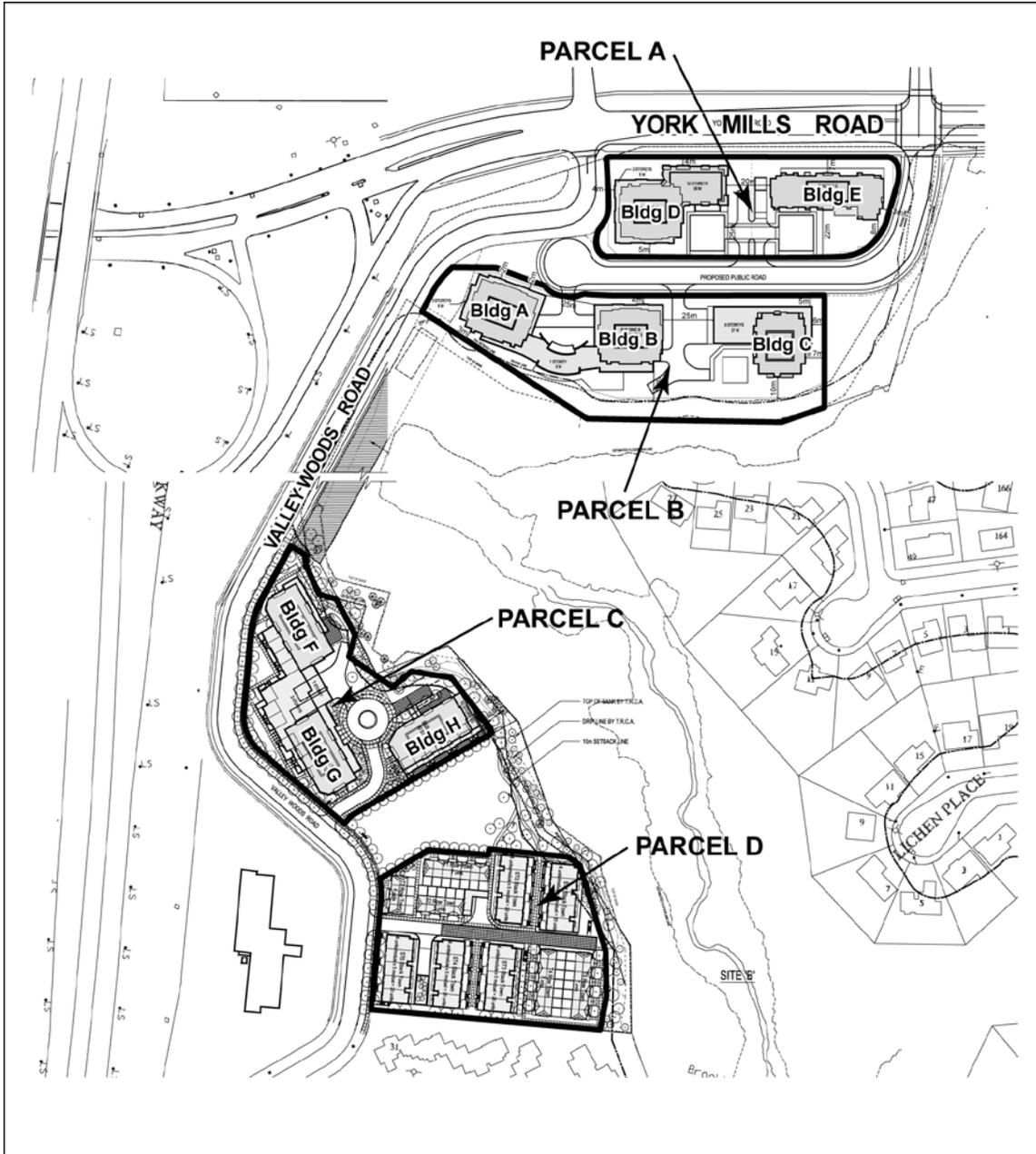
Schedule 1B

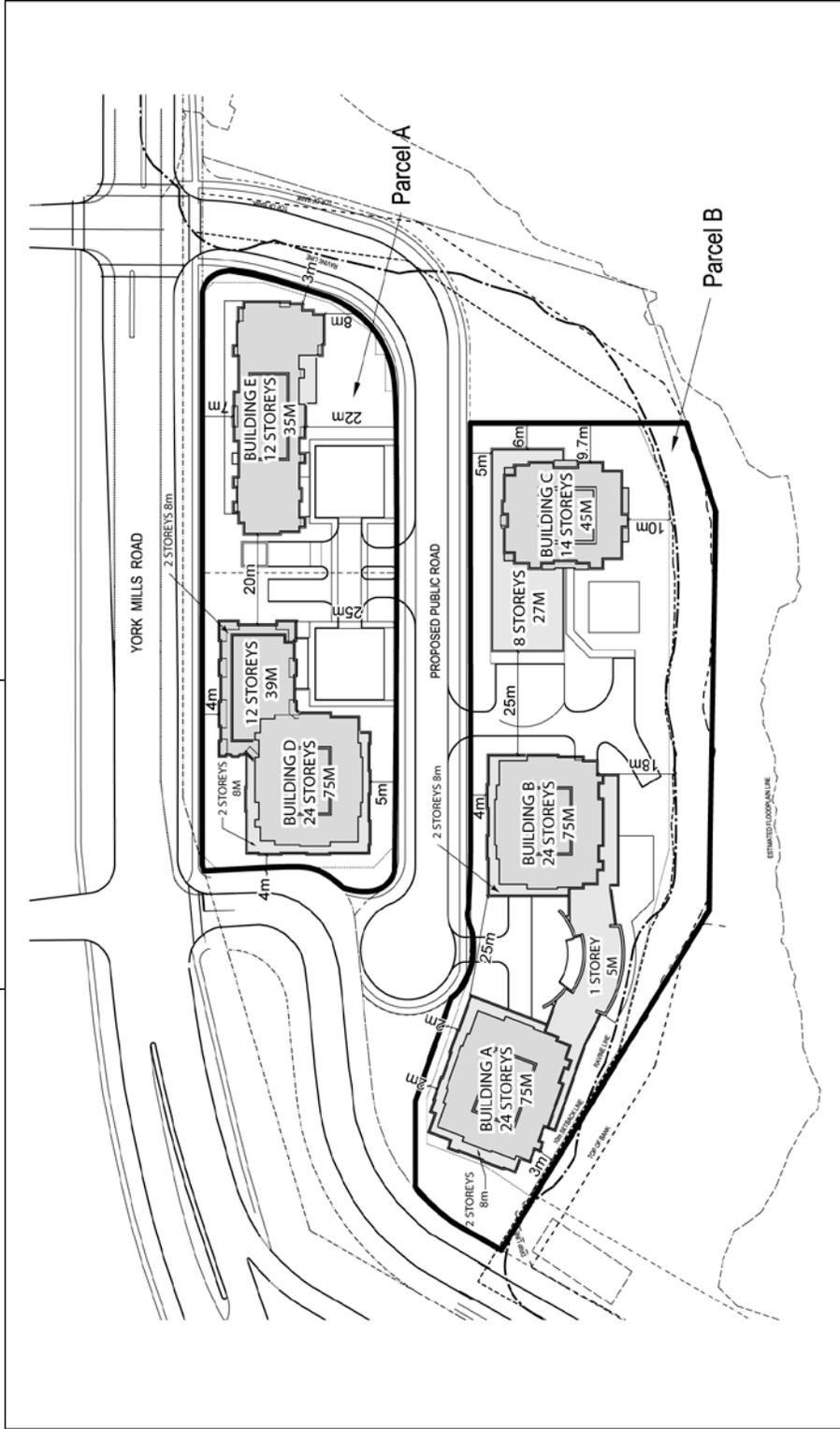
Blocks A, R.P. 6325 and Blocks A and D, R.P. 7012, City of Toronto
 Krcmar Surveyors Ltd.

File # 07_288330

Date: 03/01/2011
 Approved by: N. Salamon

↑
 Not to Scale





Schedule RM6(201)B

File # 07_288330
 ↑
 Not to Scale



Blocks A, R.P. 6325 and Blocks A and D, R.P. 7012, City of Toronto
 Krcmar Surveyors Ltd.
 Date: 06/28/2012
 Approved by: N. Salamon

