

Authority: Ontario Municipal Board Decision/Order issued on May 2, 2012 and August 2, 2012 in Board Case No. PL111262

CITY OF TORONTO

BY-LAW No. 1067-2012(OMB)

To amend former City of North York Zoning By-law No. 7625, as amended, respecting lands municipally known as 18, 20, 22, 24 and 26 Rean Drive.

WHEREAS the Ontario Municipal Board, by way of its Orders issued on May 2, 2012, and August 2, 2012, determined to amend the former City of North York Zoning By-law No. 7625 with respect to lands known municipally in the year 2012 as 18, 20, 22, 24 and 26 Rean Drive; and

WHEREAS authority is given to the Ontario Municipal Board under Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended; and

WHEREAS pursuant to Section 37 of the *Planning Act*, a By-law passed under Section 34 of the *Planning Act* may authorize increases in the height or density of development beyond that otherwise permitted by the by-law in return for the provision of such facilities, services or 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 or 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 owner of the lands known at the date of enactment of this By-law as 18, 20, 22, 24 and 26 Rean Drive (the "Lands") has elected to provide the facilities, services or matters as are set out in this By-law; and

WHEREAS the increase in height and density of development permitted under this By-law beyond that otherwise permitted on the Lands by By-law No. 7625, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the Lands and the City of Toronto;

THEREFORE the Ontario Municipal Board orders as follows:

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

"64.20 –A (184) RM6 (206)

DEFINITIONS

- (a) For the purpose of this exception, "apartment house dwelling" shall mean a building containing more than four (4) dwelling units, each unit having access

either from an internal corridor system or direct access at grade, or any combination thereof.

- (b) For the purposes of this exception, "established grade" is defined as 170.00 metres a.s.l.
- (c) For the purposes of this exception, "underground" is defined as below established grade.
- (d) For the purpose of this exception, "gross floor area" shall mean the total area of all of the floors in a building, measured between the outside walls of the building but excluding motor vehicle access, circulation or automobile and bicycle parking areas within the building.

PERMITTED USES

- (e) As shown on Schedule RM6 (206), the only permitted uses shall be an Apartment House Dwelling including private recreational amenity areas and all commercial uses permitted in a 'C-1' General Commercial Zone.
- (f) Use Qualifications
 - (i) Outdoor private recreational amenity areas may be located on rooftop terraces;
 - (ii) Permitted non-residential uses shall be located on the ground floor only.

EXCEPTION REGULATIONS

GROSS FLOOR AREA

- (g) The provisions of Section 20-A.2.5 (Gross Floor Area) shall not apply.
- (h) The maximum permitted residential gross floor area shall be 10,584 m².
- (i) The maximum permitted commercial gross floor area shall be 566 m².

DWELLING UNITS

- (j) The maximum number of dwelling units shall be 140.

LOT COVERAGE

- (k) The provisions of Section 20-A.2.2 (Lot Coverage) shall not apply.

LANDSCAPING

- (l) The provisions of Section 15.8 (Landscaping) shall not apply.

OUTDOOR RECREATIONAL AMENITY AREA

- (m) A minimum of 1.5 m² of outdoor private recreational amenity area per dwelling unit shall be provided.

YARD SETBACKS

- (n) The provisions of Section 20-A.2.4 (Yard Setbacks) shall not apply.
- (o) The minimum yard setbacks for all buildings and structures above established grade shall be as set out on Schedule "RM6 (206)".
- (p) The minimum yard setbacks for underground parking structures shall be 0 metres.

HEIGHT

- (q) The provisions of Section 20-A.2.6 (Building Height) shall not apply.
- (r) The maximum building height and number of storeys shall not exceed the maximum height in metres and number of storeys shown on Schedule "RM6(206)".
- (s) A penthouse or other roof structure which is used only as an ornament or to house the mechanical equipment of the building does not constitute a storey and shall be disregarded in calculating the height of the building.

PARKING

- (t) The provisions of Section 6A(2)(a) (Parking Requirements) shall not apply.
- (u) Residential parking shall be provided at the following rates:
- (i) 0.6 spaces per bachelor/studio dwelling unit;
 - (ii) 0.7 spaces per one bedroom unit;
 - (iii) 0.9 spaces per two bedroom unit;
 - (iv) 1.0 spaces per three bedroom unit.
- (v) Residential visitor parking shall be provided at a rate of 0.1 spaces per dwelling unit.

- (w) Non-residential parking shall be provided at a rate of 1 space per 100m² of floor area.

LOADING SPACES

- (x) The provisions of Section 6A(16)(c)(i) and 6A(16)(d)(iv) for loading shall not apply.

BICYCLE PARKING

- (y) Residential bicycle parking shall be provided as follows:
- (i) Long Term – 0.7 spaces per dwelling unit;
 - (ii) Short Term – 0.08 spaces per dwelling unit.
- (z) Non-residential bicycle parking shall be provided as follows:
- (i) Long Term – 0.13 spaces per 100 m² of non-residential floor area;
 - (ii) Short Term – 3 plus 0.25 spaces per 100 m² of non-residential floor area.

PROJECTIONS

- (aa) The provisions of Section 6(9)(c) for permitted projections into one minimum side yard setback only shall not apply.
- (bb) Exterior stairways, wheelchair ramps, canopies, balconies, bay windows, and covered porches and decks, shall be permitted to project into the minimum yard setbacks.

OTHER

- (cc) Within the lands shown on Schedule "RM6(206)" attached to this By-law, 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

- (dd) Pursuant to Section 37 of the *Planning Act* the owner of the lands as shown in Schedule "RM6 (206)", at the owner's expense and in accordance with, and

subject to the agreements referred to subsection (dd)(ii), shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto, in order to permit an increase in the maximum gross floor area cited in the Gross Floor Area clauses (h) and (i) of this exception:

- (i) prior to issuance of an above-grade building permit the Owner shall submit by cash or certified cheque a monetary contribution of \$225,000.00 to the City to be used towards the cost of constructing and equipping a public community centre serving the Sheppard East Subway Corridor area. The monetary contribution shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto, calculated from the date of the Section 37 Agreement to the date of payment; and
 - (ii) the the Owner shall enter into one or more agreements with the City, pursuant to Section 37 of the *Planning Act* which are registered on title to the Lands to secure:
 - A. the matters provided for in subsection (dd)(i) above;
 - B. the provision for a minimum of 1.5 m² of indoor private recreational amenity area per dwelling to a maximum of 331 m² provided that such gross floor area is used solely for the purposes of indoor private recreational amenity area, and such area shall be exempted from the calculation of gross floor area in clauses (h) and (i); and
 - C. the construction and maintenance of the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Committee.
3. Section 64.20-A of By-law No. 7625 is amended by adding Schedule "RM6 (206)" attached to this by-law.

PURSUANT TO DECISIONS/ORDERS OF THE ONTARIO MUNICIPAL BOARD ISSUED ON MAY 2, 2012 AND AUGUST 2, 2012, IN BOARD FILE NO. PL111262.



