

Authority: North York Community Council Item 29.20, as adopted by City of Toronto Council on February 19 and 20, 2014 and MM51.15, moved by Councillor Stintz, seconded by Councillor Colle, as adopted by City of Toronto Council on May 6, 7 and 8, 2014

CITY OF TORONTO

BY-LAW No. 436-2014

To amend former City of North York Zoning By-law No. 7625, as amended, with respect to the lands west of Avenue Road, north of Brookdale Avenue and south of Fairlawn Avenue.

Whereas Council of the City of Toronto has the authority pursuant to 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*; and

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter 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 and 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 aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 7625, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. Schedule "B" of By-law No. 7625 of the former City of North York is hereby amended in accordance with Schedule 1 of this By-law.

2. Section 64.26 of By-law No. 7625 is amended by adding the following subsection:

"64.26(14) C4(14)

DEFINITIONS

- (a) For the purpose of this exception "Established Grade" shall mean the elevation as fixed by the municipality, being the geodetic elevation of 177.4 metres;
- (b) For the purpose of this exception "Bicycle Parking Spaces - Resident" shall mean an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles for residents;
- (c) For the purpose of this exception "Bicycle Parking Spaces - Visitor/Retail" shall mean an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles and may be located outdoors or indoors but not within a secured room, enclosure or bike locker;
- (d) For the purpose of this exception "Gross Floor Area" shall mean the sum of the total area of each floor level of a building, above and below grade, measured from the exterior main wall of each floor level. In the Commercial Residential Zone category the gross floor area of a mixed use building is reduced by the area in the building used for:
 - (i) Parking, loading and bicycle parking below-ground;
 - (ii) Required loading spaces at the ground level and required bicycle parking spaces at or above-ground;
 - (iii) Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (iv) Shower and change facilities required by this By-law for required bicycle parking spaces;
 - (v) Amenity space required by this By-law;
 - (vi) Elevator shafts;
 - (vii) Garbage shafts;
 - (viii) Mechanical penthouse; and
 - (ix) Exit stairwells in the building.

PERMITTED USES

- (e) In addition to all uses normally permitted in a C4 zone and C4(12) exception zone under Section 26(2), an apartment building with non-residential uses on the first floor is permitted.

EXCEPTION REGULATIONS**(f) Gross Floor Area**

The maximum gross floor area shall not exceed 15,711 square metres, of which a maximum of 2,182 square metres shall be used for non-residential purposes.

(g) Number of Dwelling Units

Maximum number of residential dwelling units shall be 115.

(h) Building Height

That the maximum height of any part of a building or structure on the lands shown on Schedule C4(14), shall be 7 storeys or 23.7 metres, whichever is lesser; and that:

- (i) The number of storeys and measurement of building height shall exclude mechanical penthouses up to 5 metres in height and any architectural accents, including extended parapets or spires and other rooftop indoor amenity structure;
- (ii) The number of storeys and measurement of building height shall exclude a rooftop indoor amenity structure, including access thereto, provided it is wholly contained within the prescribed angular plane described herein and does not exceed the height of the mechanical penthouse. The maximum area of the rooftop indoor amenity structure shall not exceed 66 square meters, inclusive of access thereto; and
- (iii) The height of any part of a building or structure, excluding railings, but including the mechanical penthouse, shall be contained within a 45 degree angular plane projected over the entire lot from the established grade level at a rear property line that is also the boundary of an R4(94) or R7(16) zone district, conically north to south from the south east corner of 379A Fairlawn Avenue.

(i) Setbacks

- (i) Provide building setbacks as shown on Schedule C4(14); and
- (ii) Notwithstanding Schedule C4(14) the fire exit stair enclosure can be located 0.6 metres from the rear property line of 379A Fairlawn Avenue.

(j) Building Step-backs

Any building or structure greater than 3 storeys in height shall have a 2.0 metre step-back of the main external building wall along the street frontages, at on the

3rd level. The step-back shall be measured from the main external face of the building at the top of the second storey, as shown on Schedule C4(14).

(k) Level of First Storey at Avenue Road

The finished floor level of the first storey of any building or structure fronting on to Avenue Road shall be within 0.2 metres of grade measured at the street line directly opposite each pedestrian opening.

(l) Use of First Storey

At least 60 per cent of the floor area of the first storey of any building or structure fronting on to Avenue Road shall be used for non-residential purposes.

(m) Recreational Amenity Area

(i) A minimum of 2.0 square metres of indoor private recreational amenity area per dwelling unit shall be provided; and

(ii) A minimum of 2.0 square metres of outdoor private recreational amenity area per dwelling unit shall be provided.

(n) Parking Requirements

(i) Provide parking in accordance with the following minimum requirements:

Underground Residential Dwelling Unit within an Apartment Building:

Bachelor Units	0.7 spaces per unit
1-Bedroom Units	0.8 spaces per unit
2-Bedroom Units	0.9 spaces per unit
3+ Bedroom Units	1.1 spaces per unit

Retail Use

1.0 spaces per 100 square metres of Gross Floor Area; and

(ii) Provide parking in accordance with the following maximum requirements:

Underground Residential Dwelling Unit within an Apartment Building:

Bachelor Units	1.0 spaces per unit
1-Bedroom Units	1.5 spaces per unit
2-Bedroom Units	1.6 spaces per unit
3+ Bedroom Units	1.9 spaces per unit

Retail Use

4.0 spaces per 100 square metres of Gross Floor Area.

- (iii) In the required parking provided in accordance with clauses (i) and (ii) above that twelve (12) parking spaces be secured for the rental replacement and that such spaces be available for the rental unit tenants. Six (6) of the twelve (12) parking spaces shall be located in a portion of the secured residential parking area, and the other six (6) parking spaces shall be located in the retail/visitor parking area.
 - (iv) Minimum 0.15 parking spaces per dwelling unit for residential visitors to both the replacement rental dwelling units and the other dwelling units in the building.
- (o) Loading
- (i) Provide a minimum of one Type G loading space for the project. Type G Loading Space means a loading space that is a minimum of 4.0 metres wide, 13.0 metres long and has a minimum vertical clearance of 6.1 metres.
- (p) Bicycle Parking
- (i) Residential occupant bicycle parking spaces shall be provided at a minimum rate of 0.6 long term bicycle spaces per dwelling unit;
 - (ii) Residential visitor bicycle parking spaces shall be provided at a minimum rate of 0.15 per dwelling unit;
 - (iii) Retail occupant bicycle parking shall be provided at grade at a minimum rate of 0.13 spaces per 100 square metres of Gross Floor Area; and
 - (iv) Retail visitor bicycle parking shall be provided at grade at a minimum rate of 0.25 spaces per 100 square metres of Gross Floor Area.
- (q) Landscaping
- (i) Provide landscape strips as shown on Schedule C4(14).
- (r) Division of Land
- (i) Notwithstanding any severance, partition or division of the lands shown on Schedule C4(14), 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.

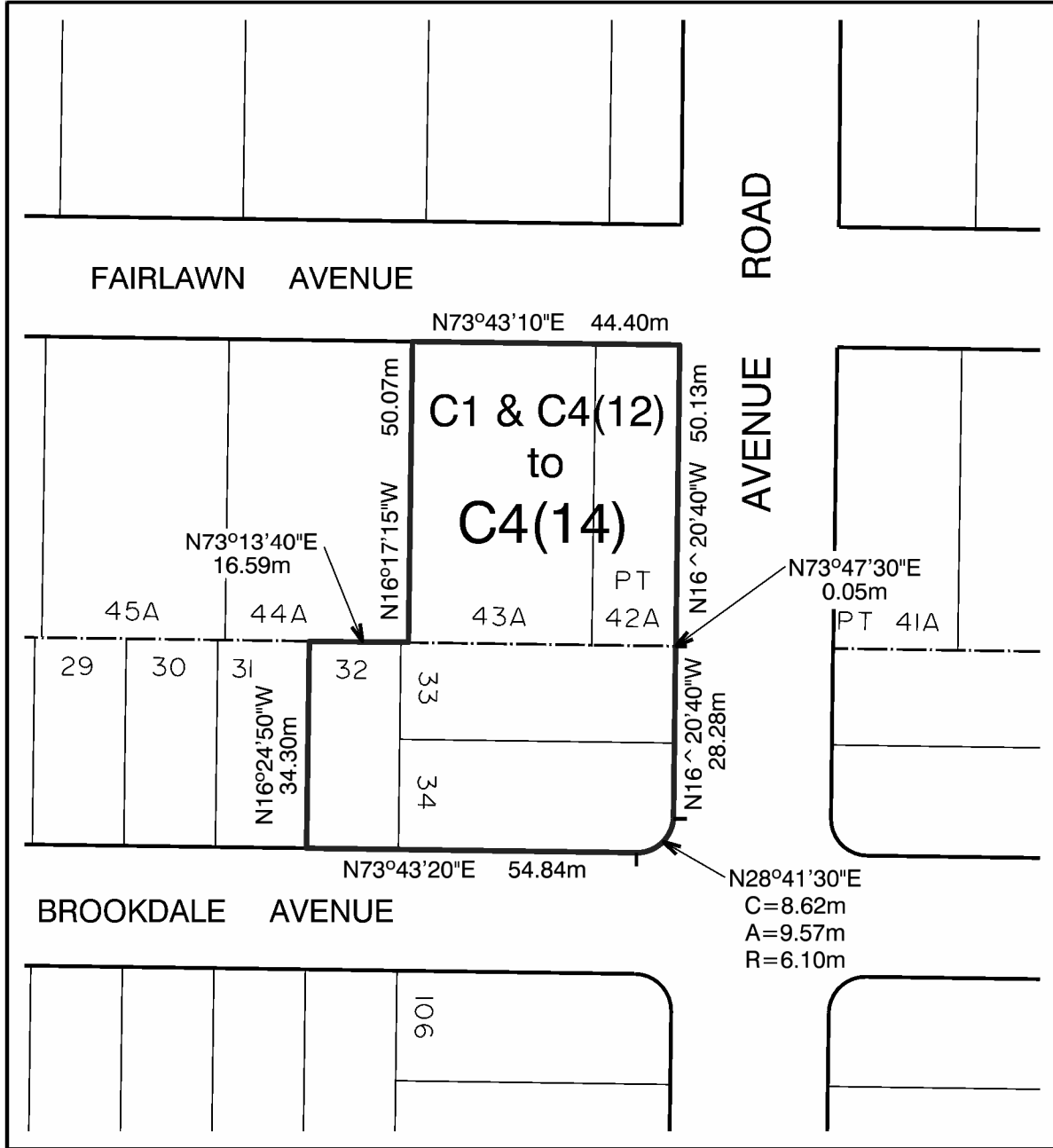
3. Within the lands shown on Schedule 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) All new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (b) All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
4. Section 37 Provisions
- (a) Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the *lot* contemplated herein is permitted in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Schedule 2 hereof which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the *lot*, to the satisfaction of the City Solicitor.
 - (b) Where Schedule 2 of the By-law requires the *owner* to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
 - (c) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this by-law unless all provisions of Schedule 2 are satisfied.

Enacted and passed on May 8, 2014.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



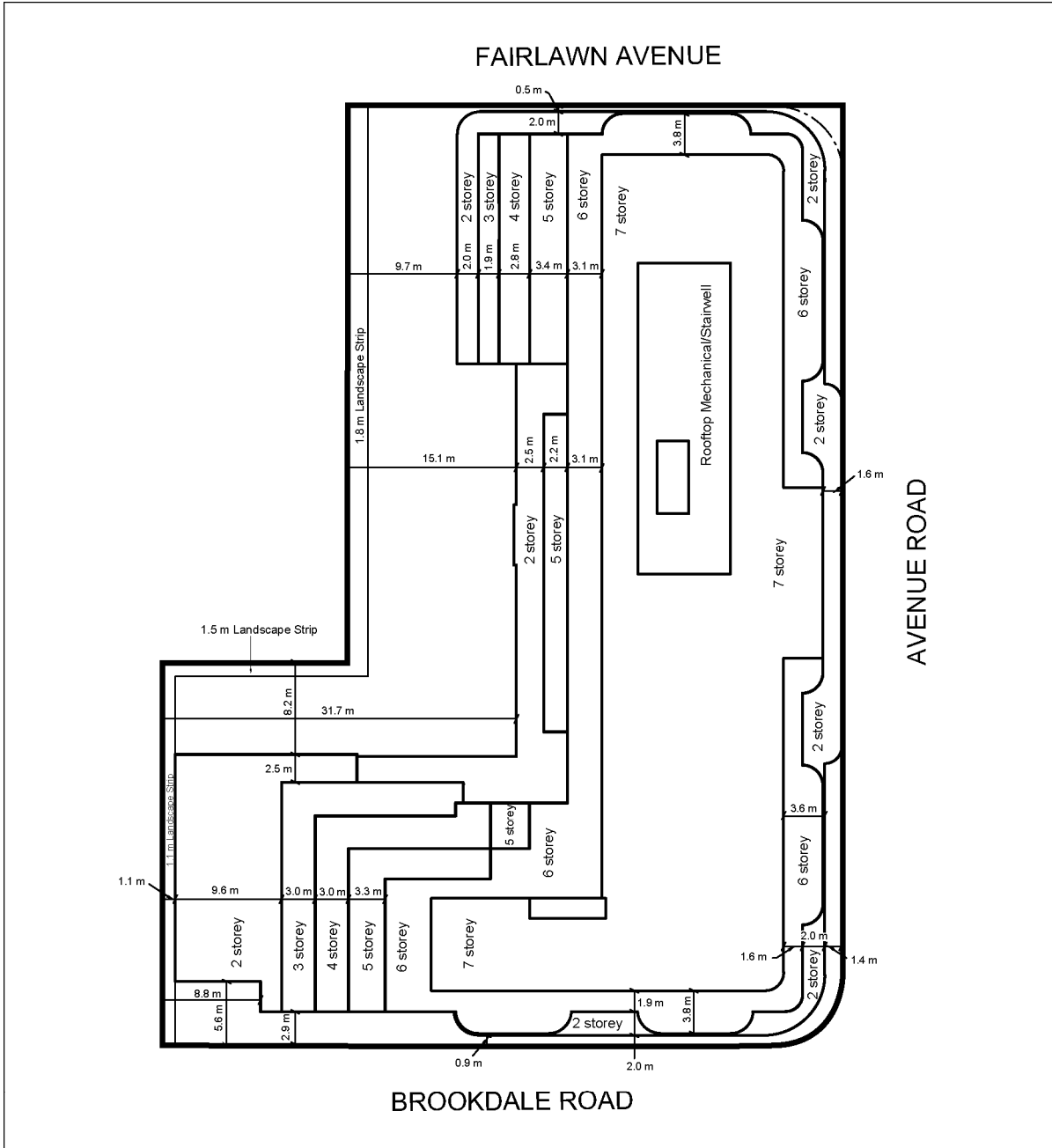
Schedule 1

Lots 32, 33 & 34, R.P. 2371 and Part of Lots 42A & 43A, R.P. 2247, City of Toronto
 Speight, van Nostrand & Gibson Limited

File # 11 330290 NNY 16 0Z

Date: 12/05/2013
 Approved by: V. Covello





Schedule C4(14)

Lots 32, 33 & 34, R.P. 2371 and Part of Lots 42A & 43A, R.P. 2247, City of Toronto
 Speight, Van Nostrand & Gibson Limited

File # 11 330290 NNY 16 0Z

Date: 12/06/2013
 Approved by: V. Covello



Not to Scale

Schedule 2
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lot and secured in an agreement or agreements under Section 37(3) of the *Planning Act* where by the owner agrees as follows:

1. Prior to issuance of an above grade building permit the owner shall provide a certified cheque in the amount of \$200,000.00 to be used for capital improvements with \$50,000 allocated to Allenby Junior Public School and \$50,000 allocated to John Wanless Junior Public School, and \$50,000 allocated to Ledbury Park, to develop a new play structure and other fitness amenities and \$50,000 allocated to Blessed Sacrament School for their School Ground Improvement Project with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
2. The provision and maintenance on the site of not less than 18 new replacement rental dwelling units, comprising at least 1 affordable rental dwelling units and 17 rental dwelling units with rents no higher than mid-range rents, which units shall be to the satisfaction of the City's Chief Planner and Executive Director, City Planning Division and subject to the following:
 - (i) The replacement rental dwelling units shall comprise of 17 one-bedroom units, and 1 two-bedroom unit; and the combined floor area of the 18 replacement rental dwelling units shall be no less than 913 square metres, exclusive of balconies and terraces. Each unit shall have a dishwasher and a balcony or terrace for private and exclusive access. The units shall range in sizes as follows:
 - (a) 17 one-bedroom units with a minimum of 51 square metres, of which 1 shall be at least 62 square metres; and
 - (b) 1 two-bedroom unit with a minimum of 82 square metres.
 - (ii) The replacement rental dwelling units shall be maintained as rental housing units for at least 20 years, beginning with the date each unit is occupied and until the owner obtains approval for a zoning by-law amendment removing the requirement for the replacement rental housing units to be maintained as rental units. No application may be submitted for condominium registration, or for any other conversion to non-rental housing purposes, or for demolition without providing for replacement during the 20 year period;
 - (iii) The building permit which provides for the replacement rental dwelling units shall be issued no later than the issuance of the first above-grade building permit for any building with residential uses on the lot. The 18 replacement rental dwelling units shall be ready for occupancy no later than the date by which no

more than 90% of the other dwelling units contained within the same building are available and ready for occupancy;

- (iv) The owner shall provide and maintain affordable rent charged to the tenant who rents the designated 1 affordable replacement rental dwelling unit 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;
 - (v) The owner shall provide and maintain rents no greater than mid-range rents charged to the tenants who rent each of the designated 17 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) except that the maximum mid-range rent shall not exceed an amount that is 1.5 times average market rent by unit type;
 - (vi) Rents charged to tenants occupying a replacement rental dwelling unit at the end of the 10-year period set forth in (iv) 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) with a phase-in period of a least three years for rent increases;
 - (vii) Rents charged to tenants newly occupying a replacement rental dwelling unit after the completion of the 10-year period set forth in (iv) will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement; and
 - (viii) That twelve (12) parking spaces be secured for the rental replacement and that such spaces be available for the rental unit tenants. Six (6) of the twelve (12) parking spaces shall be located in a portion of the secured residential parking area, and the other six (6) parking spaces shall be located in the retail/visitor parking area. Parking charges for returning tenants will be on the same basis as currently provided, and other rental tenants up to the number of 12 designated rental spaces will be offered spaces within maximum charges to be specified in the agreement with the City.
3. 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:
- (i) The right to return to a replacement unit for all tenants in the existing rental units;

- (ii) All tenants will receive extended notice of the date they must vacate for the demolition of their buildings;
 - (iii) Returning tenants will choose their replacement units by seniority, with provisions for special needs tenants; and
 - (iv) 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.
4. These provisions are to be distinguished from facilities, services and matters included in (1), (2) or (3) above and relates only to matters contemplated by OP Section 5.1.1, Policy 5 (d.) Namely, capital facilities to support the development, which may be irrespective of the size of the project or the increase in the height and/or density, and are being secured in the Section 37 Agreement as a means of convenience.
- (i) The Owner shall construct and maintain 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 Planning and Growth Management Committee Item 32.3; and
 - (ii) The owner shall submit and implement a Construction Mitigation and Communication Strategy to the satisfaction of the Director, Transportation Services North District, prior to the issuance of any demolition permit.