

Authority: North York Community Council Item NY10.41, as adopted by City of Toronto Council on December 9 and 10, 2015

CITY OF TORONTO

BY-LAW No. 112-2016

To amend former City of North York Zoning By-law No. 7625, as amended by By-law No. 365-2007, with respect to the lands municipally known as 175, 181, 187 Wynford Drive (formerly 1250 Eglinton Avenue East).

Whereas Council of the City of Toronto has the authority to 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 authority is given to Council by Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of Holding (H) symbol with conditions in the zoning by-law; and

Whereas the Official Plan for the City of Toronto contains 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 and 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 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 and matters in return for an increase in the height or 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 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 former City of North York Zoning By-law No. 7625, as amended, and as further amended by By-law No. 365-2007, 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. By-law No. 365-2007 is amended by deleting Schedule "1" and replacing it with amended Schedules 1A and 1B attached and forming part of this By-law.

2. By-law No. 365-2007 is amended by deleting Schedule RM6(163) and replacing it with amended Schedule RM6(163) attached and forming part of this By-law.
3. The lands subject to this By-law are outlined by heavy black lines as shown on Schedule 1A attached to and forming part of this By-law.
4. By-law No. 365-2007 is amended by deleting Section 3(a) through 3(g), 3(j) through 3(p), and 3(r) through 3(aa), and replacing them with Sections 5 and 6 of this By-law as identified below.
5. Section 64.20-A of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

64.20-A (163) RM6(163)

DEFINITIONS

(a) **Retirement Residence**

For the purposes of this exception **Retirement Residence** shall mean a building or structure that provides living accommodation primarily to retired persons or couples where each living unit has a separate entrance from a common hall and contains sanitary facilities, and where common facilities are provided for the preparation and consumption of meals.

(b) **Established Grade**

- (i) For the purpose of this exception **Established Grade** shall mean the average elevation at the midpoint of the main front wall of the building. For Building 'A' the main front wall shall be the south wall of the building and the established grade shall be 132.75 metres and for the **Retirement Residence** the main front wall shall be the north wall of the building and the established grade shall be 125.25 metres;
- (ii) For Building 'D' the main front wall shall be the east wall of the building and the established grade shall be 130.30 metres and for Building 'E' the main front wall of the building shall be the east wall of the building and the established grade shall be 127.30 metres;
- (iii) For the 1-storey base building and 2-storey base building, the **established grade** shall be 130.30 metres; and
- (iv) For Building 'C', **established grade** shall be defined as per former City of North York Zoning By-law No. 7625.

(c) **Gross Floor Area**

For the purposes 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 at the level of each floor but excluding:

- (i) all below grade areas, including parking and storage, stairs, bicycle storage, garbage rooms and any part of a building used for mechanical floor area.

(d) **Mechanical Floor Area**

For the purpose of this exception, **Mechanical Floor Area** means the floor area within a building that is used exclusively for the accommodation of mechanical equipment necessary to physically operate the building such as heating, ventilation, air conditioning, electrical, telephone, plumbing, fire protection and elevator equipment including shafts.

(e) **Bicycle Parking Space**

For the purpose of this exception:

- (i) **Bicycle Parking Space** shall mean an area used for parking or storing a bicycle;
 - (ii) **Bicycle Room** shall mean an indoor space that is designed and equipped for the purpose of parking and securing bicycles; and
 - (iii) **Stacked Bicycle Parking Space** means a horizontal bicycle parking space that is positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces.
- (f) For the purpose of this exception, Buildings 'A', 'B', 'C', 'D', and 'E' shall be those buildings shown on Schedule RM6(163).

PERMITTED USES

- (g) As shown on Schedule RM6(163), the only permitted uses shall be:
- (i) **Apartment House Dwellings** (Building 'A', 'C', 'D' and 'E') and uses accessory thereto, including private recreational amenity areas;
 - (ii) **Retirement Residence** (Building 'B' and Building 'C') and accessory uses including common lounges, recreation facilities, retail and personal service shop uses and community centre uses; and

- (iii) **Hotel** and uses accessory thereto (Building 'C'), including recreational amenity uses and associated commercial uses including a restaurant and gift shop.
- (h) Use Qualifications
 - (i) Outdoor private recreational amenity areas may be located on rooftop terraces.

EXCEPTION REGULATIONS

GROSS FLOOR AREA

Notwithstanding By-law No. 365-2007, Section 3. - **EXCEPTION REGULATIONS, GROSS FLOOR AREA**, clause (h), the following shall apply:

- (i) The maximum permitted gross floor areas are as follows:
 - (i) **Apartment House Dwelling** (Building 'A') 31,482 square metres;
 - (ii) **Retirement Residence** (Building 'B') 10,899 square metres;
 - (iii) **Hotel** and/or **Apartment House Dwelling** or **Retirement Residence** (Building 'C') 18,550 square metres;
 - (iv) **Apartment House Dwelling** (Building 'D') 29,800 square metres; and
 - (v) **Apartment House Dwelling** (Building 'E') 24,550 square metres.

FLOOR SPACE INDEX

Notwithstanding By-law No. 365-2007, Section 3. - **EXCEPTION REGULATIONS, FLOOR SPACE INDEX**, clause (i), the following shall apply:

- (j) The total permitted development on these lands, as identified on Schedule RM6(163), shall not exceed a floor space index of 3.17.

DWELLING UNITS

- (k) The maximum number of **Apartment House Dwelling** units in Building 'A' shall be 328.
- (l) The maximum number of **Apartment House Dwelling** units in Building 'D' shall be 380.
- (m) The maximum number of **Apartment House Dwelling** units in Building 'E' shall be 320.

HOTEL ROOMS, DWELLING UNITS AND LIVING UNITS - BUILDING 'C'

- (n) The maximum number of hotel rooms provided for renting as dwellings within the **Hotel** (Building 'C') shall be 353.
- (o) The maximum number of hotel rooms provided for renting as dwellings and the maximum number of **Apartment House Dwelling** units within Building 'C' combined at the same time, shall be a maximum of 141 hotel rooms for renting and 142 **Apartment House Dwelling** units.
- (p) Should the hotel cease operations, a maximum of 283 **Apartment House Dwelling** units or a maximum of 283 **Retirement Residence** living units may be provided within Building 'C'.

RETIREMENT RESIDENCE

- (q) The maximum number of living units shall be 120 in Building 'B'.

LANDSCAPING

- (r) The provisions of Section 15.8(a) shall not apply.

LOT AREA

- (s) The provisions of Section 20-A.2.1 regarding lot area shall not apply.

LOT COVERAGE

- (t) The provisions of Section 20-A.2.2 shall not apply.

FLOOR AREA

- (u) The provisions of Section 20-A.2.5 shall not apply.

RECREATIONAL AMENITY AREA

- (v) Indoor **recreational amenity area** shall be provided in accordance with the following minimum requirements:
 - (i) **Apartment House Dwelling** (Building 'A') 506 square metres; and
 - (ii) **Retirement Residence** (Building 'B') 826 square metres;
- (w) **Recreational amenity area** shall be provided in accordance with the following minimum requirements:

- (i) **Hotel, Apartment House Dwelling or Retirement Residence** (Building 'C') - 880 square metres of indoor **recreational amenity area** and 853 square metres of outdoor **recreational amenity area**.
- (ii) **Apartment House Dwelling** (Building 'D' and Building 'E') - A total for both buildings of 1,442 square metres of indoor **recreational amenity area** and 1,410 square metres of outdoor **recreational amenity area**.

FLOOR PLATE SIZE

- (x) The maximum tower floor plate size, excluding balconies, for Building 'D' shall be 750 square metres and for Building 'E' shall be 750 square metres.

BUILDING STEPBACKS

- (y) Building tower stepbacks will not be less than the minimum distance in metres as shown on Schedule RM6(163).

DISTANCE BETWEEN BUILDINGS

- (z) Notwithstanding Section 20-A.2.4.1, the separation distances between Buildings 'A', 'B', 'C', 'D' and 'E' shall not be less than the minimum distance in metres as shown on Schedule RM6(163).

YARD SETBACKS

- (aa) Notwithstanding Section 20-A.2.4, the minimum yard setbacks for all buildings and structures shall not be less than the minimum distances in metres as shown on Schedule RM6(163).
- (bb) Notwithstanding Section 20-A.2.4, the minimum yard setbacks for underground parking structures shall be 0 metres, only for Building 'A' along the West lot line and only for Building 'B' along the South lot line.

PERMITTED PROJECTIONS

- (cc) Projections outside of building envelopes and into yard setbacks, building stepbacks and separation distances permitted in this clause are as follows:
 - (i) Notwithstanding Section 6(9) belt courses, cornices, eaves or gutters, pilasters and sills may project up to 0.5 metres beyond the permitted building envelopes into minimum yard setbacks, building stepbacks and separation distances;
 - (ii) Canopies and awnings may project up to 2.5 metres beyond minimum yard setbacks, building stepbacks and separation distances;

- (iii) Lighting fixtures, trellises, guardrails, fences and screens, transformer vaults, vents, utilities, railings, stairs, stair enclosures, access ramps, elevating devices and landscape features or structures may project beyond building envelopes into minimum yard setbacks, building stepbacks and separation distances except that transformer vaults are not permitted in the minimum yard setbacks to public roads;
- (iv) Notwithstanding any setback, stepback or separation distance requirements, balconies on the east and west elevations of Building 'D' and Building 'E' shall be permitted to encroach a maximum of 1.5 metres beyond the building and tower envelopes into minimum yard setbacks, building stepbacks and separation distances; and
- (v) Notwithstanding sub clause (cc) iv of this By-law, balcony projections shall not be located closer than 3.0 metres from the exterior corner wall of the building for Building 'D' and Building 'E'.

HEIGHT

- (dd) The maximum building heights shall not exceed the heights in metres and storeys as shown on Schedule RM6(163), subject to the following exceptions for elements on the roof:
 - (i) Parapets or other ornamental elements may exceed the maximum building height on Schedule RM6(163) by no more than 2.0 metres; and
 - (ii) A penthouse or other roof structure which is used only as an ornament or to house mechanical equipment of the building or stairwells to access the roof does not constitute a storey and will be disregarded in calculating the height of the building in storeys and in metres provided it shall not exceed a height of 7 metres for 40 percent of the area of the roof.

VEHICLE PARKING

- (ee) Notwithstanding Section 6A(2), the following parking rates/requirements shall apply:
 - (i) For Building 'A', a minimum 1.35 parking spaces per **Apartment House Dwelling** unit of which, 0.25 parking spaces per dwelling unit shall be for the use of visitors for Building 'A';
 - (ii) For Building 'B', a minimum of 0.5 parking spaces per living unit for the **Retirement Residence** of which 0.25 parking spaces per living unit shall be for the use of visitors and staff for Building 'B';
 - (iii) For Building 'C', for **Hotel** and associated **Hotel** uses, a minimum parking rate of 0.54 spaces per room provided for renting as a dwelling;

- (iv) For Building 'C', a minimum parking rate of 0.3 spaces per living unit for a **Retirement Residence**;
- (v) For Buildings 'C', 'D' and 'E', parking spaces must be provided and maintained in accordance with the following minimum standards:
- | | | |
|------|---|---------------------|
| i. | Bachelor Units (up to 45 square metres) | 0.8 spaces per unit |
| ii. | Bachelor Units (more than 45 square metres) | 1.0 spaces per unit |
| iii. | 1-Bedroom Units | 0.9 spaces per unit |
| iv. | 2-Bedroom Units | 1.0 spaces per unit |
| v. | 3+ Bedroom Units | 1.2 spaces per unit |
| vi. | Visitor Spaces | 0.2 spaces per unit |
- (vi) For **Apartment House Dwellings** units within Building 'C', Building 'D' and Building 'E', a minimum of 0.6 occupant bicycle **parking spaces** per dwelling unit shall be provided and a minimum of 0.15 visitor **bicycle parking spaces** per dwelling unit shall be provided.
- (vii) Resident **bicycle parking spaces** shall be located:
- i. on the first storey of the building;
 - ii. on the second storey of the building; and
 - iii. on levels of the building below-ground commencing with the first level below-ground and moving down, in one level increments when at least 50 percent of the area of that level is occupied by bicycle parking spaces, until all required bicycle parking spaces have been provided.
- (viii) Required **bicycle Parking Spaces** for residents may not be located:
- i. in a dwelling unit;
 - ii. on a balcony; or
 - iii. in a storage locker.
- (ix) A **bicycle parking space** must have a minimum length of 1.8 metres, minimum width of 0.6 metres, and minimum vertical clearance from the ground of 1.9 metres;
- (x) A **bicycle parking space** if placed in a vertical position on a wall, structure or mechanical device must have a minimum length or vertical clearance of 1.9 metres, minimum width of 0.6 metres, and minimum horizontal clearance from the wall of 1.2 metres;
- (xi) If a **stacked bicycle parking space** is provided, the minimum vertical clearance for each bicycle parking space is 1.2 metres; and

- (xii) An area used to provide **bicycle parking spaces** must have a minimum vertical clearance of 2.4 metres if it is a **stacked bicycle parking space**; and 1.9 metres in all other cases.
- (ff) The provisions of Section 6A(8)(b) shall not apply.
- (gg) Driveways and parking aisles shall have a minimum width of 6.00 metres.

LOADING SPACES

- (hh) Notwithstanding Section 6A(16)(a)(iv), for Building 'A' and for Building 'B', a minimum of one Type-B loading space per building (totaling no fewer than 2 loading spaces) shall be provided.
- (ii) Section 6A(16)(c)(i) and Section 6A(16)(d)(iv) shall not apply for Building 'A' and for Building 'B'.
- (jj) Notwithstanding Section 6A(16)(a), the following minimum number of loading spaces (totaling no fewer than 5 loading spaces) shall be provided for Buildings 'D', Building 'E' and Building 'C':
 - (i) Building 'D' - 1 Type B loading space;
 - (ii) Building 'E' - 1 Type G loading space; and
 - (iii) Building 'C' - 2 Type B loading spaces and 1 Type C loading space.
- (kk) Section 6A(16)(b), (d)(iv) shall not apply for Building 'C', 'D' and 'E'.
- (ll) Loading spaces shall have the following minimum dimensions:
 - (i) Type B Loading Space means a loading space that is a minimum of 3.5 metres wide, 11.0 metres long and has a minimum vertical clearance of 4.0 metres;
 - (ii) Type C Loading Space means a loading space that is a minimum of 3.5 metres wide, 6.0 metres long and has a minimum vertical clearance of 3.0 metres; and
 - (iii) 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.
- (mm) Section 6A(16)(c)(i) and Section 6A(16)(d)(iv) shall not apply.

HOLDING PROVISION

- (nn) For lands identified on Schedule RM6(163) with a holding symbol (H), these lands shall not be used for any purpose other than those uses and buildings that existed on the site as of November 10, 2015 until such time as the (H) symbol has

been removed. An amending by-law to remove the (H) symbol shall be enacted by City Council when the following conditions have been fulfilled to the satisfaction of Council:

- (i) The Owner is required to make satisfactory arrangements for managing ground water on the site, and if required, enter into a Discharge Agreement, all to the satisfaction of the Executive Director, Engineering and Construction Services; and
- (ii) The Owner is required to submit a complete site plan application and the Owner is required to enter into a Site Plan Agreement with the City under Section 114 of the *City of Toronto Act*.

DIVISION OF LANDS

- (oo) Notwithstanding any severance or division of the lands subject to this exception and as shown on Schedule RM6(163), the regulations of this exception shall continue to apply to the whole of the lands.

6. SECTION 37 AGREEMENT

Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density is permitted beyond that otherwise permitted on the lands as shown on Schedule 1A as identified with dashed lines, for the development of Building 'D' and Building 'E' as shown on Schedule RM6(163) in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Appendix 1 hereof and 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 lands, to the satisfaction of the City Solicitor.

Where Appendix 1 of this 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.

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 Appendix 1 are satisfied.

Enacted and passed on February 4, 2016.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Appendix 1

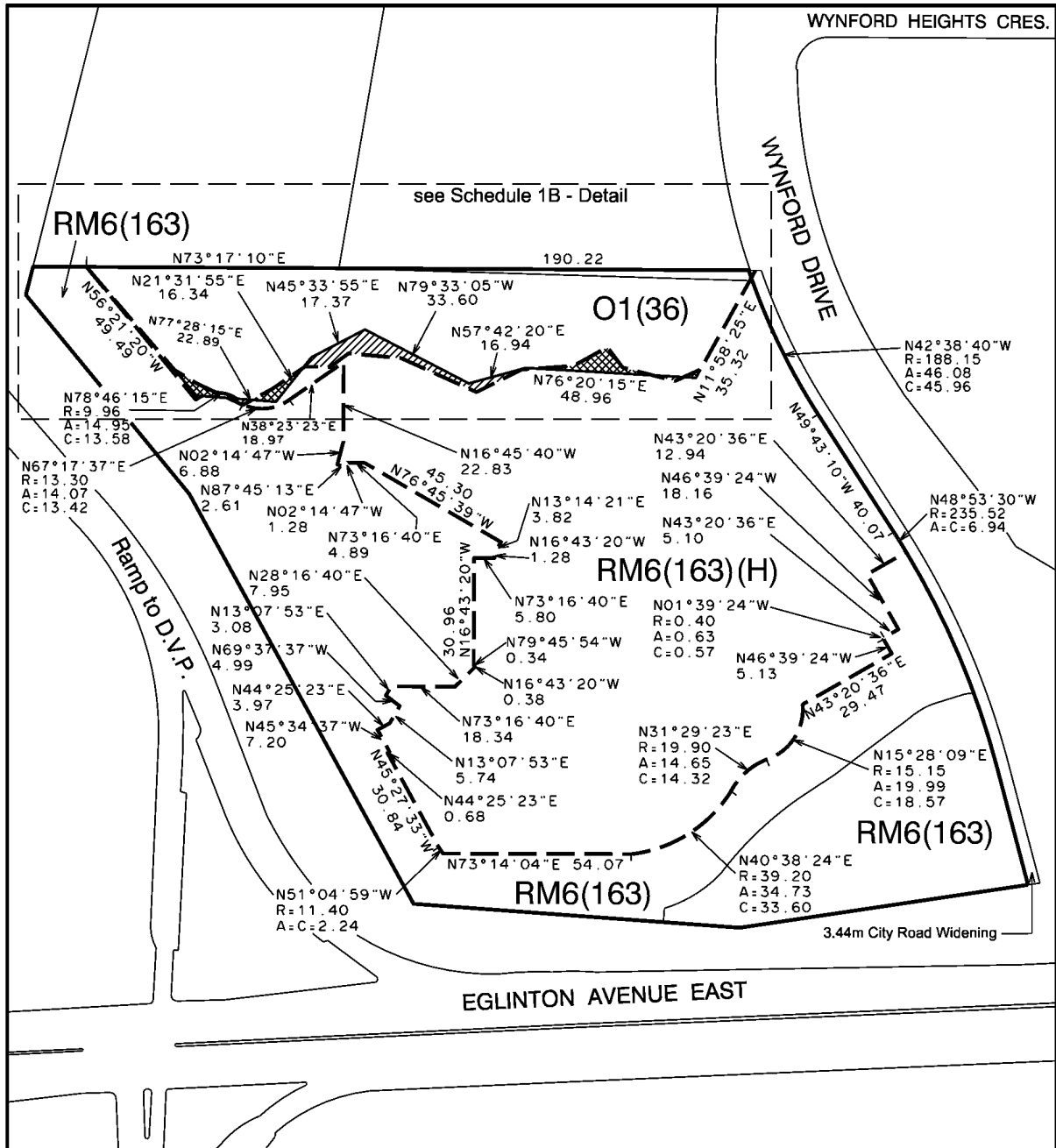
1. The Owner of the lands identified by dashed lines as shown on Schedule 1A (the "Owner"), shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters referred to below, which agreement or agreements may be registered against the title of the lands to which this By-law applies in the manner and to the extent specified in the agreements. The Owner of the subject lands, at the Owner's expense and in accordance with, and subject to the agreements referred to above, 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 density and height to the maximum gross floor areas cited in Section 5 clause (i) subsections (iv), (v), and Section 5 clause (j), of this exception for Building 'D' and Building 'E':
 - (i) Prior to the issuance of an above grade building permit the Owner shall provide a financial contribution in the amount of \$900,000 to be used toward the provision of a community facility in the vicinity of this development.
 - (ii) The financial contribution referred to in subsection (i) shall be indexed upwardly in accordance with the Statistics Canada Non-Residential or Apartment Building-Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
 - (iii) In the event the cash contribution referred to in subsection (i) has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

The following matters are to be secured in the Section 37 Agreement in support of the development:

- (iv) 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 of October 26 and 27, 2009.
- (v) The Owner shall provide pathway improvements on site and public access/connections into the Open Space Area abutting the site along the top of bank to the north from Wynford Drive. The design, location and materials of the access/connections into this area shall be secured through the site plan approval process, in consultation with the Toronto and Region Conservation Authority and to the satisfaction of the Chief Planner and Executive Director, City Planning.
- (vi) The Owner shall provide an outdoor recreation area for the use of young children having a minimum area of 80 square metres, which is of high quality design and of durable materials. The design and materials of the children's play area shall be

secured through the site plan approval process, to the satisfaction of the Chief Planner and Executive Director, City Planning.

- (vii) The Owner shall provide reciprocal access to all residents at 175 Wynford Drive within the existing 6 storey building and the proposed new 30 and 36 storey buildings, for the purpose of access and use of all indoor and outdoor amenity areas.
- (viii) Prior to issuance of the first building permit, including excavation or demolition permits, the owner shall submit and implement a Construction Management Plan and Neighbourhood Communication Strategy, to the satisfaction of the Executive Director, Engineering and Construction Services, in consultation with the Chief Planner and Executive Director, City Planning.
- (ix) The owner is required to convey all of the subject site below the top-of-bank zoned as Open Space - O1(36), to the Toronto and Region Conservation Authority and install a fence along the staked top of bank slope line, to the satisfaction of the Toronto and Region Conservation Authority in consultation with the Chief Planner and Executive Director, City Planning.





Schedule 1A

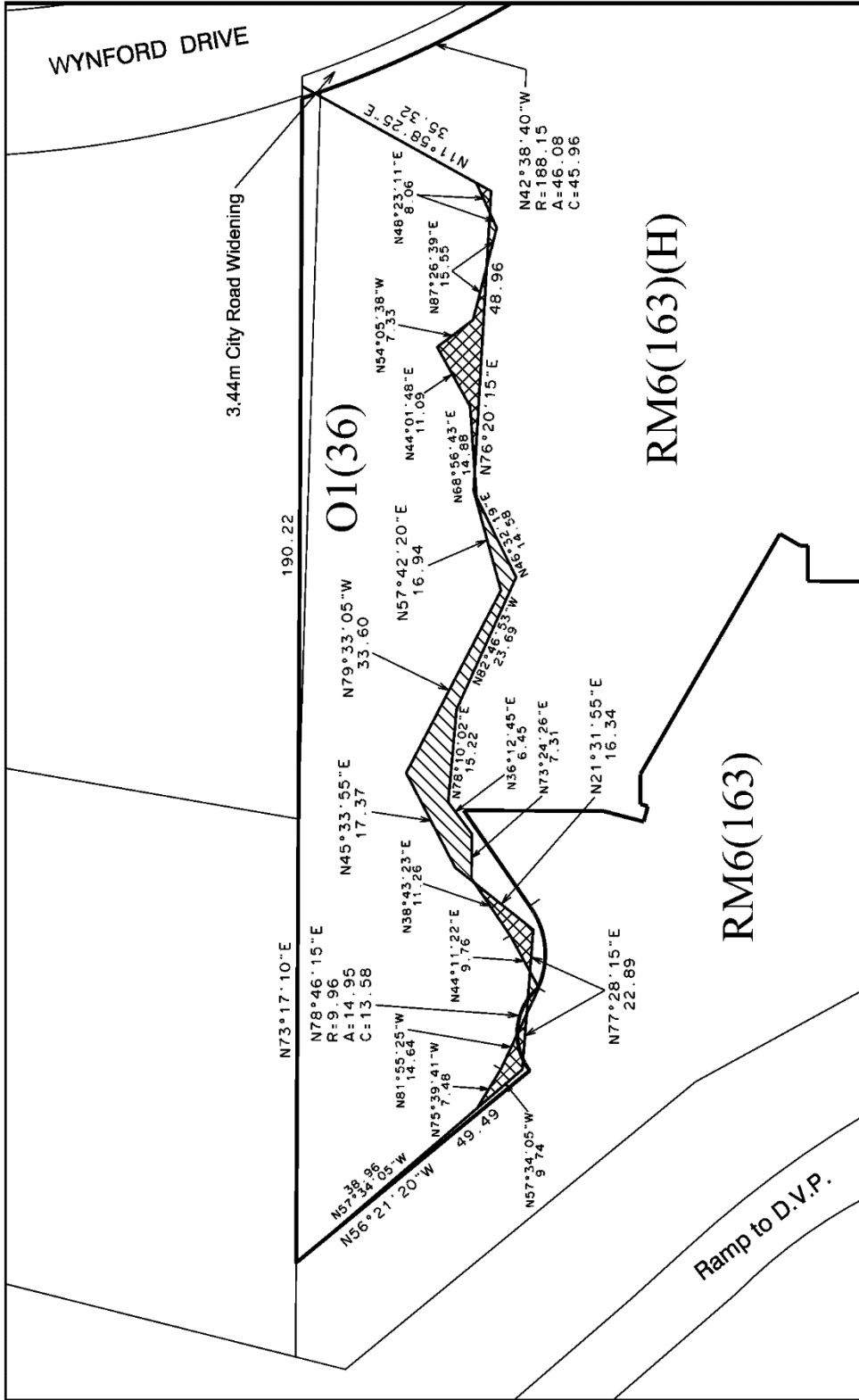
Part of Block B, Registered Plan M-1158, City of Toronto
 I.M. Pastushak Limited, O.L.S.

File # 13 133523 NNY 26 0Z

Date: 10/26/2015
 Approved by: J.A.

-  Rezone from RM6(163) to O1(36)
-  Rezone from O1(36) to RM6(163)





Toronto

Schedule 1B - Detail

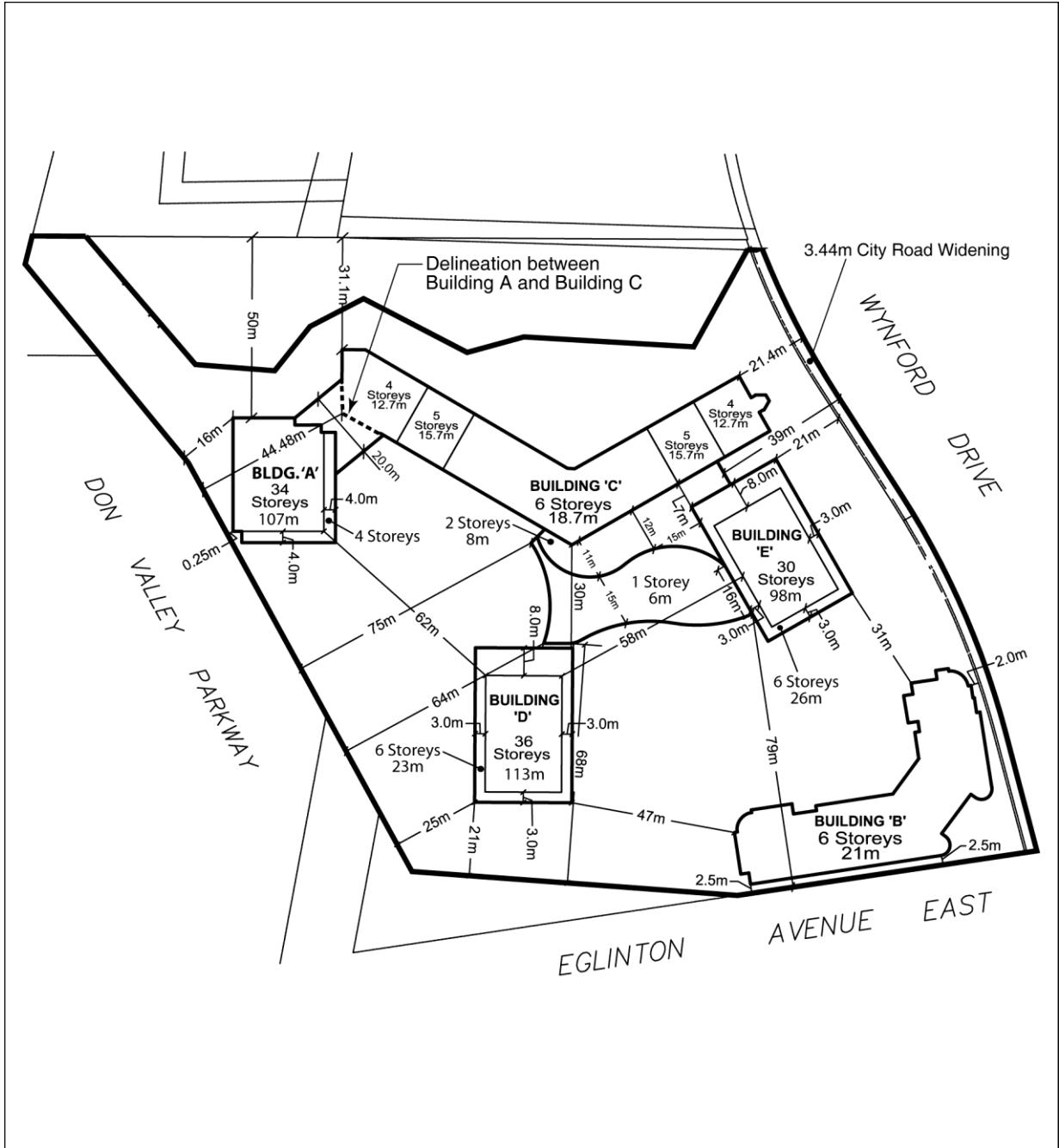
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File # 13 133523 MNY 26 0Z

Rezone from RM6(163) to O1(36)

Rezone from O1(36) to RM6(163)

Not to Scale



Schedule RM6(163)

From Applicant's Drawing

File # 13 133523 NNY 26 0Z

Date: 10/22/2015
Approved by: J.A.

