

Authority: Ontario Municipal Board Order issued on February 24, 2016 in Board File PL110098

CITY OF TORONTO

BY-LAW 855-2017(OMB)

To amend former City of North York By-law 7625, as amended, with respect to lands in the Stanley Greene District of The Downsview Secondary Plan and as shown on Schedule '1' to this By-law.

Whereas the Ontario Municipal Board pursuant to its Order issued on February 24, 2016, in relation to Board Case PL110098, determined to amend Zoning By-law 7625 of the former City of North York; 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 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;

By-law 7625, of the former City of North York, as amended, is further amended by the Ontario Municipal Board:

1. Schedules "B" and "C" of By-law 7625 are amended in accordance with Schedule '1' to this By-law.
2. Section 64.16 of By-law 7625 is amended by adding the following subsection:

64.16(108) RM1(108)

DEFINITIONS

- a) **Multiple Attached Dwelling - Townhouse**

For the purpose of this exception, "Multiple Attached Dwelling - Townhouse" shall mean a building consisting of a series of one family dwelling units each

having direct access from the outside and with each dwelling unit divided vertically from another and provided the dwelling is not otherwise defined as a "multiple attached dwelling – back to back townhouse" or a "multiple attached dwelling – stacked townhouse";

b) **Gross floor area**

For the purposes of this exception, "gross floor area" means the total area of all the floors in a building, above and below grade, measured from the outside of the exterior walls, but excluding indoor amenity area, bicycle parking, car parking, ramps and access areas to underground parking, loading spaces, detached accessory buildings and excluding any part of the building used for "mechanical floor area" and telecommunication purposes or service areas;

c) **Established Grade**

For the purposes of this exception, "established grade" shall mean:

- i) For multiple dwelling units in a building and multiple buildings on a lot facing a street or a park, the average elevation measured at two points along the lot line abutting the street or park at 0.01 metres past a line drawn as an extension of each common wall, or side wall in the case of an end dwelling unit, as that line crosses the lot line;

PERMITTED USES

- d) Notwithstanding Section 16.1 (a), the only permitted uses shall be as follows:

- i) Multiple attached dwelling - townhouse;

EXCEPTION REGULATIONS

- e) The provisions of Section 15.8 – Landscaping and Section 16.2 'Multiple-Family Dwelling First Density Zone (RM1)' shall not apply;

f) **Lot Area**

- i) Multiple attached dwelling - townhouse: Minimum 120 square metres per dwelling unit;

g) **Minimum Lot Frontage per dwelling unit**

- i) Multiple attached dwelling – townhouse: 4.2 metres;

h) **Maximum Lot Coverage**

- i) Multiple attached dwelling - townhouse: 60 percent of the block (on a registered plan);

i) Yard Setbacks and Separations

- i) The minimum required yards and the minimum wall-to-wall separations are set out on Schedule '2' and Schedule '3', as expressed in metres;
- ii) In the context of this section, the buildings shown on Schedule '2' and Schedule '3' represent building envelopes and not specific buildings;
- iii) The minimum wall-to-wall separation between buildings within the building envelopes shown on Schedule '2' and Schedule '3' shall be 1.2 metres;
- iv) Notwithstanding the provisions of this section, encroachments are permitted to the extent set out in Section 6(9). In addition, stairs may encroach into a required yard no more than 3.0 metres; and
- v) Notwithstanding the provisions of this section and the minimum separation distances set out on Schedule '3', the minimum required setback from the rear wall of dwellings on Schedule '3' and the rail corridor shall be 30 metres;

j) Building Height

- i) Minimum building height:
2 storeys or 6 metres, whichever is the greater; and
- ii) Maximum building height:
4 storeys or 12 metres, whichever is the lesser;

k) Platforms at or Above the Second Storey of a Multiple Attached Dwelling – Townhouse

In the RM1(108) zone, a platform such as a deck or balcony with access from the second storey or above of a multiple attached - dwelling townhouse must comply with the following:

- i) There may be no more than a total of two platforms, and no more than one on each of the front and rear of the multiple attached dwelling – townhouse; and
- ii) The maximum area of each platform is 4.0 square metres;

l) **Accessory Buildings**

- i) Notwithstanding Section 6(23)(a)(i)(C)(i), an accessory building in the rear yard is permitted to be located within 0.0 metres of any lot line except as shown on Schedule '2' and Schedule '3', and except that it shall be setback a minimum of 1.0 metres from the edge of a shared driveway;
- ii) Notwithstanding Section 6(23)(a)(ii)(C), accessory buildings shall not occupy more than 25 percent of the lot area; and
- iii) The maximum height of an accessory building shall be 3.7 m as set out in Section 6(23)(a)(iv), except for accessory building shown on Schedule '3' where the maximum height shall be 6.0 metres measured to the peak of the roof;

m) **Front Door Sill Elevation**

- i) The finished floor elevation of the front door sill for a multiple attached dwelling – townhouse shall not be greater than 0.9 metres above established grade;

n) **Maximum Net Floor Space Index**

The gross floor area of all buildings within the RM1(108) zone as set out in Schedule '1' to this By-law shall not exceed a floor space index of 0.94;

o) **Number of Dwelling Units**

The maximum number of dwelling units permitted in the RM1(108) zone is 166 units;

p) **Parking Spaces**

- i) Parking spaces per multiple attached dwelling – townhouse on freehold lots shall be provided on the basis of a minimum of 1.0 parking spaces per dwelling unit; and
- ii) All resident parking shall be accessed from a rear shared driveway;

q) **Landscaping Setback**

- i) A minimum 2.5-metre setback comprising landscaping shall be provided along the property line abutting the rail corridor; and
- ii) A minimum 1.7-metre setback comprising landscaping shall be provided along a property line abutting the northern boundary of the RM1(108) zone.

3. Section 64.20 of By-law 7625 is amended by adding the following subsection:

64.20(29) RM5(29)

DEFINITIONS

a) **Gross floor area**

For the purposes of this exception, "gross floor area" means the total area of all the floors in a building, above and below grade, measured from the outside of the exterior walls, but excluding indoor amenity area, bicycle parking, car parking, ramps and access areas to underground parking, loading spaces, detached accessory buildings and excluding any part of the building used for "mechanical floor area" and telecommunication purposes or service areas;

b) **Mechanical floor area**

For the purposes of this exception, "mechanical floor area" shall mean 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 and ventilation, air conditioning, geothermal heating, electrical, plumbing, rooftop access stairwells and associated enclosures, fire protection and elevator equipment and floor area used for laundry facilities.;

c) **Established Grade**

For the purposes of this exception, "established grade" shall mean:

- i) For multiple dwelling units in a building and multiple buildings on a lot facing a street or a park, the average elevation measured at two points along the lot line abutting the street or park at 0.01 metres past a line drawn as an extension of each common wall or side wall in the case of an end dwelling unit as that line crosses the lot line; and
- ii) For multiple dwelling units in a building not facing a street or park, the elevation fixed at a point opposite the midpoint of the front wall of the dwelling unit and located midway between the front wall of the dwelling unit and the closest building opposite the front wall of the dwelling unit;

d) **Multiple Attached Dwelling – Stacked Townhouse**

For purposes of this exception, "Multiple Attached Dwelling - Stacked Townhouse" shall mean a building divided vertically and horizontally into a series of dwelling units each having direct access from the outside;

e) **Landscaping**

For the purposes of this exception, "landscaping" shall mean an area used for trees, plants, decorative stonework, patios, terraces, retaining walls, walkways, or

other landscape-architectural elements. Driveways and areas for loading, parking or storing vehicles are not landscaping;

PERMITTED USES

- f) The only permitted uses shall be as follows:
 - i) Multiple attached dwellings stacked townhouse;

EXCEPTION REGULATIONS

- g) The provisions of Section 15.8 – Landscaping and Section 20.2 'Multiple-Family Dwelling First Density Zone (RM5) Dwellings, Apartment House' shall not apply;

- h) **Lot Coverage**

The maximum lot coverage shall be 60 percent of a block (on a registered plan);

- i) **Yard Setbacks and Separations**

- i) The minimum required yards and the minimum wall-to-wall separations are set out on Schedule '2', as expressed in metres;
- ii) Despite the provisions of this section, encroachments into the wall-to-wall separation shall be permitted to the extent set out in Section 6(9). In addition, stairs may encroach into a required front yard no more than 3.0 metres; and
- iii) Where an access to a rooftop terrace is provided, it shall be setback 2.4 metres from the front and rear wall of the storey immediately below the access to the rooftop terrace;

- j) **Building Height**

- i) The minimum building height shall be 6 metres or 2 storeys, whichever is the greater;
- ii) The maximum building height shall be 4 storeys or 13 metres, whichever is the lesser; and
- iii) In the context of this section, building height shall exclude rooftop mechanical floor area with a maximum gross floor area of 23 square metres per unit;

k) **Front Door Sill Elevation**

- i) The finished floor elevation of the front door sill for a multiple attached dwelling - stacked townhouse shall not be greater than 1.2 metres above established grade;

l) **Maximum Net Floor Space Index**

The gross floor area of all buildings within the RM5(29) zone as set out in Schedule '1' to this By-law shall not exceed a floor space index of 1.17;

m) **Number of Dwelling Units**

The maximum number of dwelling units permitted in the RM5(29) zone is 59 units;

n) **Parking Spaces**

- i) Parking spaces per multiple attached dwelling – stacked shall be provided on the basis of a minimum of 1.0 parking spaces per dwelling unit plus 0.2 parking space per dwelling unit for visitor parking spaces; and
- ii) For a multiple attached dwelling - stacked townhouse, all parking spaces shall be provided at grade in a surface parking lot behind the main front wall of the building;

o) **Bicycle Parking**

- i) Bicycle parking spaces for multiple attached dwelling - stacked townhouse units shall be provided at the rate of a minimum of 0.6 occupant spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit;
- ii) Each bicycle parking space shall have the following dimensions:
- a) if located in a horizontal position (i.e. on the ground):
- (i) minimum length of 1.8 metres;
 - (ii) minimum width of 0.6 metres; and
 - (iii) minimum vertical clearance from the ground of 1.9 metres;
- b) if located in a vertical position (i.e. on the wall):
- (i) minimum length or vertical clearance of 1.9 metres;
 - (ii) minimum width of 0.6 metres; and

(iii) minimum horizontal clearance from the wall of 1.2 metres;

- iii) At least five percent of the required bicycle parking shall be provided at grade;
- iv) Bicycle parking spaces for occupants shall be located within a dwelling or within an enclosed structure attached to a dwelling shown in Schedule '2'; and
- v) Despite the 'Yard Setbacks and Separations' provisions of this By-law, an enclosed structure for bicycle parking spaces may be located within the rear or side yard setbacks shown on Schedule '2';

p) **Recycling and Garbage Room**

- i) A dedicated enclosed area at grade shall be provided for the storage of recycling and garbage materials within a dwelling or within an enclosed structure attached to a dwelling shown in Schedule '2'; and
- ii) Despite the 'Yard Setbacks and Separations' provisions of this By-law, an enclosed structure for the storage of recycling and garbage materials may be located within the rear or side yard setbacks shown on Schedule '2';

q) **Loading Space**

- i) One loading space shall be provided for each block (on a registered plan) with such loading space having minimum dimensions of 13 metres long, 4.0 metres wide and 6.1 metre vertical clearance;
- ii) The required loading space may be provided either outdoor on the lot or within a building on the lot; and
- iii) Where loading spaces are provided outdoor, all garbage and recycling bins shall be stored indoors, attached to the buildings as shown in Schedule '2';

r) **Landscaping Setback**

A minimum 2.5 metre setback comprising fencing and landscaping shall be provided along the south property line;

s) **Future Severances**

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.

4. Section 37 of the *Planning Act*:

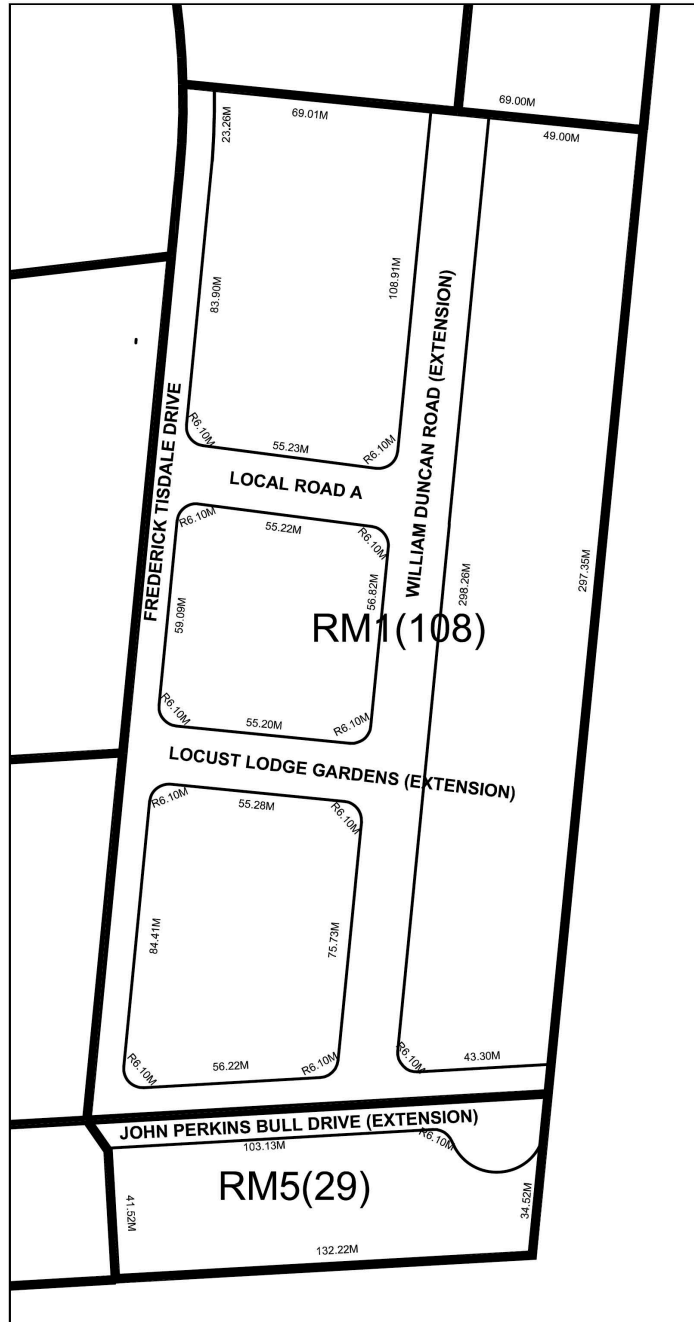
- a) Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the *lot* is permitted

in return for the Owner's election to provide, at the Owner's expense, the facilities, services and matters set out in Schedule '4' hereof which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form satisfactory to the City Solicitor and registered on title to the *lot*;

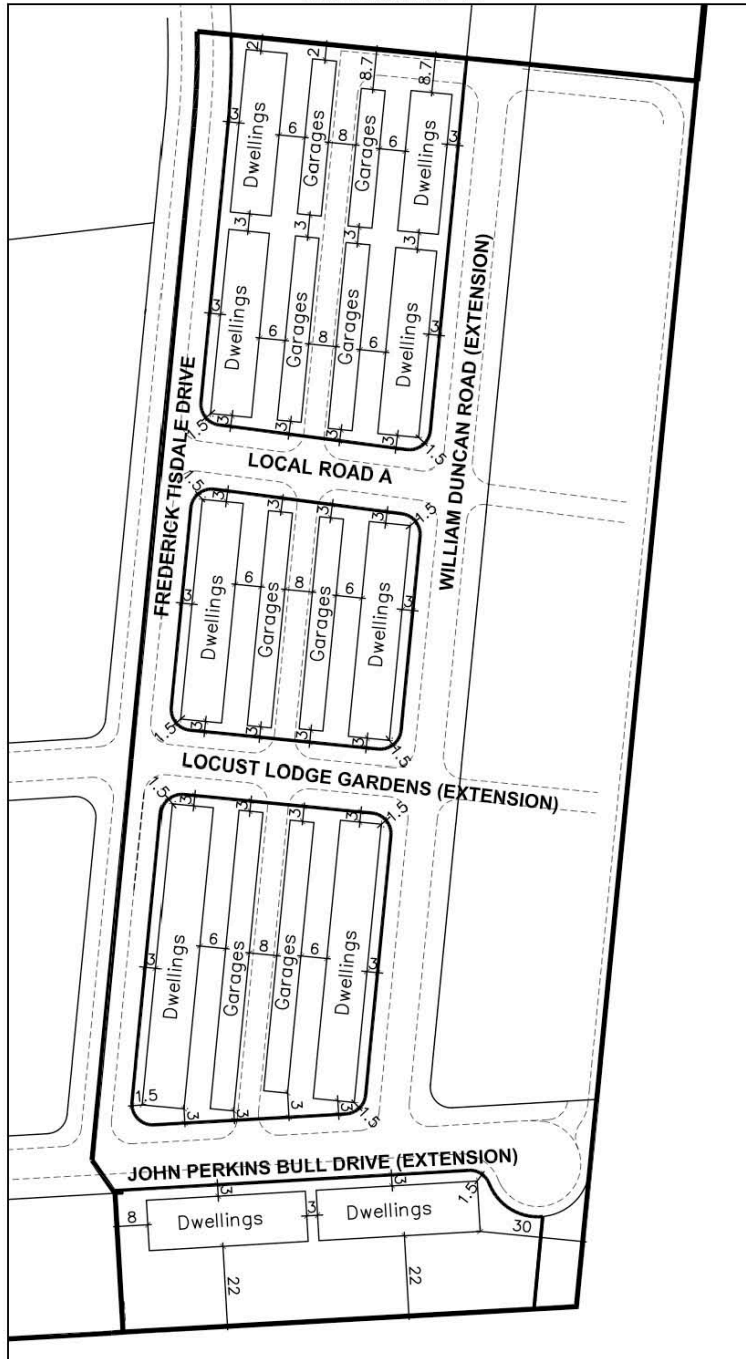
- b) Where Schedule '4' of this By-law requires the Owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
- c) The Owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule '4' are satisfied.

Ontario Municipal Board Order issued on February 24, 2016 in Board File PL110098.

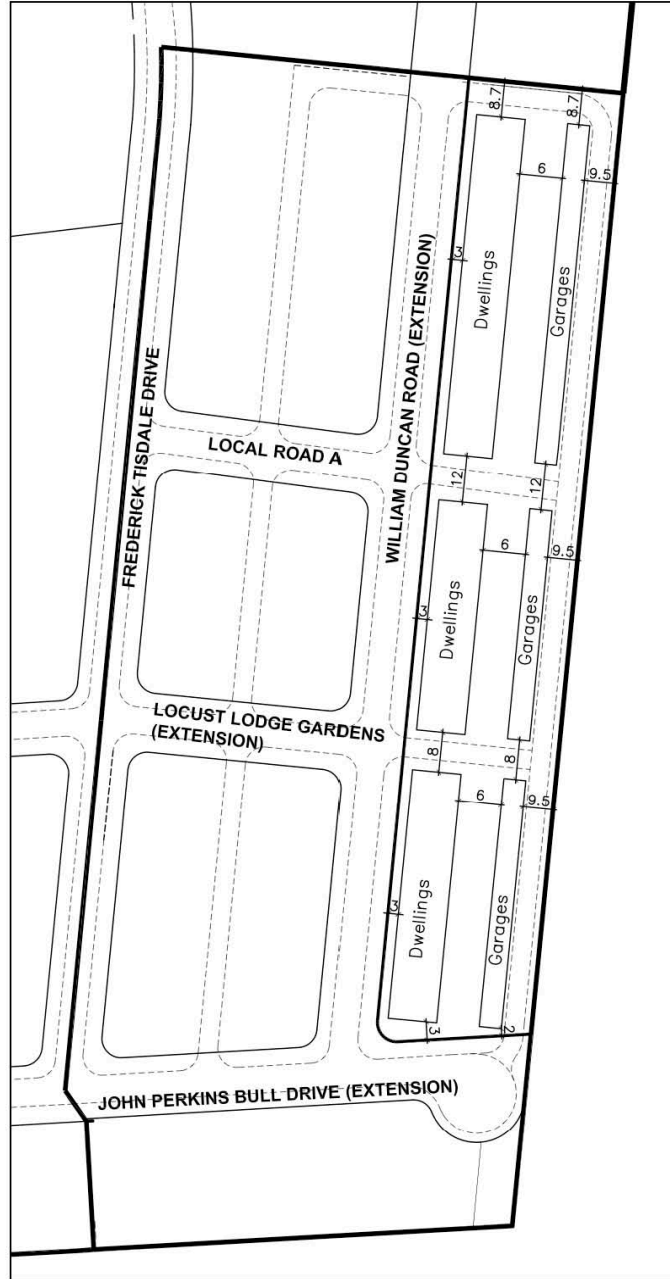
Schedule '1'



Schedule '2'



Schedule '3'



SCHEDULE 4

Section 37 Provisions

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

1. Prior to issuance of any above grade building permit the owner shall:
 - a) Provide a financial contribution to the City of \$864 per residential dwelling unit to be used for the provision of a community centre and day care spaces in accordance with the Downsview Area Secondary Plan. This financial contribution shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication 62-007-XPB, or its successor, calculated from October 23, 2008 to the date of submission of the funds by the Owner to the City;
 - b) Provide a contribution of \$200,000 toward the public art plan for the District approved by City Council at its meeting on March 20, 2014 (Item NY30.24) and already underway pursuant to Option 2 as outlined in the Section 37 Agreement dated September 23, 2013;
 - c) Enter into an amending section 37 agreement, satisfactory to the Chief Planner, to secure the detailed implementation of the following general provisions for the delivery of 23 affordable rental housing units; and
 - d) Submit affordable rental housing unit floor plans to the satisfaction of the Chief Planner.
2. No above grade building permit shall be issued except in accordance with the following provisions regarding the construction of the affordable rental housing units:
 - a) The above-grade building permits for all of the affordable rental units shall be issued prior to the issuance of any above - grade building permits that would permit the construction of any other residential dwelling unit beyond the first 80 residential dwelling units, for which such permits may be issued prior to those for the affordable rental units; and
 - b) No more than 120 residential dwelling units that are not affordable rental units shall be completed, and made ready and available for occupancy prior to the date that all of the affordable rental units have been completed and made ready and available for occupancy.
3. The Owner shall submit approved building permit drawings that provide for at least 23 affordable rental housing units as follows:

- a) All of the affordable housing units shall be provided in the form of townhouses or multiple attached dwelling - stacked townhouse units with a unit mix comparable to the unit mix by bedroom type for the other dwelling units proposed for Block G, to be specified in the amending agreement;
 - b) The minimum floor areas for the units by bedroom type will be specified in the amending agreement. There may be a range of sizes within each unit type where such units are provided in multiple attached stacked townhouse form;
 - c) Each of the multiple attached dwelling-stacked townhouse units shall have a patio, backyard, terrace, and balcony or roof deck for private outdoor recreation space. For the upper units within the multiple attached dwelling-stacked townhouse, the terrace or roof deck provided shall be of sufficient size to permit use by a larger household, including a family with children, for private recreation space. If a roof deck is provided, there will be an enclosure on the roof for a mechanical floor area and an access stairwell; and
 - d) All of the units with 2 or more bedrooms shall have provisions for storage and appropriate entry areas and closets to facilitate their suitability for families and larger households.
4. The owner shall provide and maintain at least 23 affordable rental housing units.
- a) The affordable rental housing units shall be provided and maintained as set out in subsection (3) above, and in accordance with the following provisions, which shall be further set out in an agreement or agreements with the City:
 - i) The affordable rental units shall remain as rental housing for a period of at least 20 years, with no application for demolition without replacement, or for condominium registration or any conversion to non-rental housing purposes;
 - ii) Affordable rents charged to the tenants who rent each of the 23 affordable rental 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 initial rent, increased annually by the provincial rent guideline and any above-guideline increase, if applicable, 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;
 - iii) Rents charged to tenants occupying an affordable rental unit at the end of the 10 year period in a) ii) shall be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, until the earlier of the date they cease to occupy their unit, or until the tenth anniversary of their tenancy, with a phase-in period for rent increases to unrestricted rents of at least three years; and

- iv) Rents charged to tenants newly occupying an affordable rental unit after the completion of the 10 year period in (a)(ii) will not be subject to restrictions by the City of Toronto under the terms of the section 37 agreement entered into under this By law.