

Authority: North York Community Council Item NY4.1,
adopted as amended, by City of Toronto Council on March
27 and 28, 2019

CITY OF TORONTO

BY-LAW 1158-2019

To amend former City of North York Zoning By-law 7625, as amended, with respect to lands municipally known as 15, 19 and 21 Holmes Avenue.

Whereas the 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 the 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, 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, 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 the North York Centre Secondary Plan of the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in the density of development in return for the mandatory provision of specified capital facilities expressly associated with those increases; 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 or matters; and

Whereas the owners of the lands hereinafter referred to have elected to provide the capital facilities or funding therefor hereinafter set out in return for the additional density thereby permitted by the North York Centre Secondary Plan; and

Whereas the increase in density permitted hereunder, beyond that otherwise permitted on the aforesaid lands by this By-law, is permitted in return for the provision of the capital facilities or funding therefor set out in the By-law, which are secured by one or more agreements between the owner(s) of the lands and the City of Toronto; and

Whereas pursuant to Section 39 of the Planning Act, the Council of Municipality may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings, or structure for any purpose set out therein that is otherwise prohibited by the by-law;

The Council of the City of Toronto enacts:

1. Schedules "B" and "C" of By-law 7625 of the former City of North York are amended in accordance with Schedule "1" of this By-law.
2. Within the lands shown in heavy outline 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 necessary to serve the building or structure, have been installed and are operational.
3. Section 64.20-A of By-law 7625, as amended, is amended by adding the following subsection:

"64.20-A (260) RM6(260)

DEFINITIONS

BICYCLE PARKING

- (A) For the purpose of this exception, "bicycle room" shall mean an enclosed indoor space that is designed and equipped exclusively for the purpose of parking and securing bicycles;

For the purpose of this exception, "bicycle parking space" shall mean an area that is equipped with a bicycle rack or a locker designed exclusively for the purpose of parking and securing bicycles;

ESTABLISHED GRADE

- (B) For the purpose of this exception, "established grade" shall mean the geodetic elevation of 191.13 metres;

GROSS FLOOR AREA

- (C) For the purpose of this exception, "gross floor area" shall mean the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, including any areas used as balconies, but excluding:
 - (i) any part of the building used for mechanical floor area;
 - (ii) any space in a parking garage at or below grade used exclusively for motor vehicle or bicycle parking or access thereto; and

- (iii) the floor area of unenclosed residential balconies;

For greater certainty, but not so as to restrict generality:

the calculation of gross floor area may exclude – architectural features affixed to or extending beyond the exterior faces of exterior walls; floor slab openings and other voids, including pipe space enclosures throughout, including within residential units; mechanical areas within residential units, including HVAC spaces; stormwater storage tanks; parking ramps and aisles to or within a parking garage; bicycle rooms contained within a parking garage; accessory uses to parking areas within a parking garage including: airlock rooms adjacent to elevators or exits; exit stairs that lead directly from a parking garage to the exterior of the building without serving any other areas; curbs adjacent to parking areas; supporting columns, walls or other like structures in a parking garage; pedestrian walkways within a parking garage; motor vehicle loading spaces, access thereto and adjacent bin staging areas; dead areas adjacent to parking spaces between columns, in corners and around curves or provided to facilitate vehicular turnaround; other spaces in a parking garage not accessible and/or usable due to structural design; and

the calculation of gross floor area shall include – general storage spaces of any kind, including lockers and rooms; bicycle rooms not contained within a parking garage; vestibules other than airlock rooms; garbage and recycling rooms; stairs, landings and hallways other than those that lead directly from a parking garage to the exterior of the building without serving any other areas; amenity spaces; elevator lobbies; the floor areas of elevator cabs;

GROSS SITE

- (D) For the purpose of this exception, "gross site" shall mean the lands identified as such on Schedule "RM6(260)", comprising an area of 4,991.9 square metres;

INDOOR RECREATIONAL AMENITY AREA

- (E) For the purpose of this exception, "indoor recreational amenity area" shall mean indoor area(s) set aside for social and/or recreational purposes such as exercise rooms, children's play area, lounges, meeting or party rooms, dog care facilities, and other similar uses, that are common to all residents in the building;

MECHANICAL FLOOR AREA

- (F) For the purpose of this exception, "mechanical floor area" shall mean floor area within a building or structure used exclusively for the accommodation of mechanical equipment necessary to physically operate the building, including but not limited to heating, ventilation, air conditioning, electrical, plumbing, fire protection, telephone, telecommunication, cable and elevator equipment, garbage chutes and compactors, stormwater management and irrigation facilities;

LANDSCAPING

- (G) For the purpose of this exception, "landscaping" shall mean trees, shrubs, grass, flowers and other vegetation, decorative stonework, walkways, patios, screening or other horticultural or landscape architectural elements, or any combination of these, but not driveways or parking areas and directly associated elements such as curbs or retaining walls;

LOADING SPACE

- (H) For the purpose of this exception, "Type G loading space" shall mean a loading space that is a minimum of 4.0 metres wide, a minimum of 13.0 metres long and has a minimum vertical clearance of 6.1 metres;

NET SITE

- (I) For the purpose of this exception, "net site" shall mean the lands identified as such on Schedule "RM6(260)", consisting of the gross site minus the lands conveyed to the City for lane widening purposes and minus the lands conveyed to the City for parks purposes;

OUTDOOR RECREATIONAL AMENITY AREA

- (J) For the purpose of this exception, "outdoor recreational amenity area" shall mean outdoor area(s) set aside for social and/or recreational purposes such as playgrounds, outdoor swimming pools and seating areas that are common to all residents of the building;

PRIVATELY OWNED PUBLICLY ACCESSIBLE OPEN SPACE

- (K) For the purpose of this exception, "privately owned publicly accessible open space" shall mean an unenclosed, exterior, publicly accessible area of the site adjacent to the building, adjoining a public lane and public park and consisting of hard or soft landscaping as identified on Schedule "RM6(260)", and may include pedestrian facilities, appropriate lighting and public art;

PERMITTED USES

- (L) The only permitted uses on the lands shall be an apartment house dwelling and accessory uses thereto including private recreational amenity areas and common outdoor space. Notwithstanding the foregoing, and any other provisions of this By-law, a temporary sales centre may be located on the net site;

EXCEPTION REGULATIONS**MAXIMUM GROSS FLOOR AREA**

- (M) The maximum residential gross floor area permitted on the site shall not exceed 18,720 square metres;

NUMBER OF DWELLING UNITS

- (N) The maximum number of dwelling units shall be 358;

BUILDING ENVELOPE

- (O) No portion of any building or structure erected and used above established grade shall be located otherwise than wholly within the building envelope identified on Schedule "RM6(260)" except for the projections permitted by Section 6(9) (Permitted Projections Into Minimum Yard Setbacks) as well as the following structures, which shall be permitted to project into the building setbacks:
- (i) terraces, canopies, lights, and other architectural features may project up to a maximum of 2.1 metres;
 - (ii) notwithstanding (i) above, terraces, architectural features and structural elements located on the third floor may project up to a maximum of 2.5 metres; and
 - (iii) exterior stairways and stair enclosures may project up to a maximum of 3.4 metres;

BUILDING HEIGHT

- (P) The building height, measured from established grade, shall not exceed the maximum heights shown on Schedule "RM6(260)" excluding mechanical penthouses to a maximum height of 5.75 metres, parapets and other architectural features, and stairwells to access the roof;

NUMBER OF STOREYS

- (Q) The number of storeys shall not exceed the maximums shown on Schedule "RM6(260)" excluding mechanical penthouses and stairwells to access the roof;

MOTOR VEHICLE PARKING

- (R) Motor vehicle parking spaces shall be provided within the site in accordance with the following requirements:
- (i) a minimum of 105 resident parking spaces and a maximum of 358 resident parking spaces; and

- (ii) a minimum of 17 visitor parking spaces and a maximum of 36 visitor parking spaces;

BICYCLE PARKING

- (S) Bicycle parking shall comply with the following standards:
 - (i) where bicycles are to be parked on a horizontal surface, each bicycle parking space shall have horizontal dimensions of at least 0.6 metres in width by 1.8 metres in length;
 - (ii) where bicycles are to be parked in a vertical position, each bicycle parking space shall have horizontal dimensions of at least 0.6 metres in width by 1.2 metres in length;
 - (iii) where bicycles are to be parked in bicycle rack(s) or in a stacked manner, bicycles may be parked in a secured room or area or on a rack/hook on a wall associated with a vehicle parking space on any parking level so long as such rack/hook does not encroach into a vehicle parking space, and in all such cases the dimensions in (i) and (ii) shall not be required;

Bicycle parking spaces shall be located within the net site in accordance with the following requirements:

- (i) a minimum of 321 resident bicycle parking spaces; and
- (ii) a minimum of 37 visitor bicycle parking spaces;

LOADING SPACE

- (T) One (1) Type G loading space shall be provided within the building;

INDOOR RECREATIONAL AMENITY AREA

- (U) A minimum of 1.5 square metres per dwelling unit of indoor recreational amenity area shall be provided on the site;

OUTDOOR RECREATIONAL AMENITY AREA

- (V) A minimum of 1.5 square metres per dwelling unit of outdoor recreational amenity area shall be provided on the site at or above grade, in addition to the Privately Owned Publicly Accessible Open Space (mid-block connection) provided at grade;

PRIVATELY OWNED PUBLICLY ACCESSIBLE OPEN SPACE

- (W) The privately owned publicly accessible open space (mid-block connection) shall have a minimum area of 363 square metres and be provided in the location shown on Schedule "RM6(260)";

YARD SETBACKS

- (X) The minimum yard setbacks shall be as shown on Schedule "RM6(260)";

PROVISIONS NOT APPLICABLE

- (Y) The provisions of Sections 6A(2), 6A(16)(d)(iv), 15.8, 20-A.2.2, 20-A.2.4, 20-A.2.5, 20-A.2.6 do not apply;

BY-LAW 28177

- (Z) By-law 28177 does not apply;

INCREASED DENSITY

- (AA) Matters that are to be provided pursuant to Section 37 of the Planning Act, R.S.O 1990, c. P.13, as amended, in order to permit the increased maximums in gross floor area authorized under subsection (CC) of this exception, are:

SECTION 37 OBLIGATIONS REQUIRED IN RETURN FOR ADDITIONAL GROSS FLOOR AREA PERMITTED

- (BB) The owner of the subject lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the Planning Act to secure the capital facilities 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 such 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 for or fund the following facilities on terms satisfactory to the City of Toronto in exchange for the increased density hereinafter set out:
- (i) bicycle room(s) containing a minimum of 208 bicycle parking spaces at the mezzanine level, readily accessible from the outside and having a minimum area of 199 square metres;
 - (ii) a minimum of 1.5 square metres per dwelling unit of indoor recreational amenity space; and
 - (iii) a monetary contribution toward the cost of acquiring lands for the North York Centre Service Road and associated road network and buffer areas, acquiring or improving parkland serving the North York Centre area, or constructing and furnishing a public recreational centre or social facility serving the North York Centre area, the amount of which shall be equal to the market value, based on the land value of density in the North York Centre, of the gross floor area specified in (CC)(iii) below;

ADDITIONAL GROSS FLOOR AREA PERMITTED IN RETURN FOR SECTION 37 OBLIGATIONS

- (CC) Notwithstanding subsection (M) of this exception, additional gross floor area may be permitted within the net site shown on Schedule "1", limited to the following:
- (i) a maximum of 1.5 square metres per dwelling unit of indoor recreational amenity area;
 - (ii) a maximum of 199 square metres for the provision of above grade bicycle room(s) containing a total of 208 bicycles; and
 - (iii) a maximum of 5,442 square metres of residential gross floor area within the residential site attributable to the payment specified in (BB)(iii) above; and

SEVERANCE

- (DD) Notwithstanding any past or future severance, partition or division of the net site shown on Schedule "1", the provisions of this By-law shall apply to the whole of the net site as if no severance, partition or division occurred."

4. Section 64.20-A of By-law 7625 of the former City of North York is amended by adding Schedule "RM6(260)" attached to this By-law.
5. **SECTION 37 OF THE PLANNING ACT (SUPPLEMENTARY REQUIREMENTS)**

- (A) Pursuant to Section 37 of the Planning Act and subject to compliance with this By-law, the increase in gross floor area specified in subsection 3(CC) is permitted in return for the facilities and funding therefor set out in subsection 3(BB) of this By-law, as further set out in Schedule "A" hereto, which are secured by and subject to one or more agreements pursuant to Section 37(3) of the Planning Act in a form satisfactory to the City Solicitor and registered on title;
- (B) Where Schedule "A" of this By-law requires the owner to provide funding for capital facilities prior to the issuance of any above-grade 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 on that site erected with an increase in density pursuant to this By-law unless all provisions of Schedule "A" are satisfied.

- 6.** Where any provision or Schedule of By-law 7625 of the former City of North York, as amended, conflicts with this By-law, this By-law shall prevail.

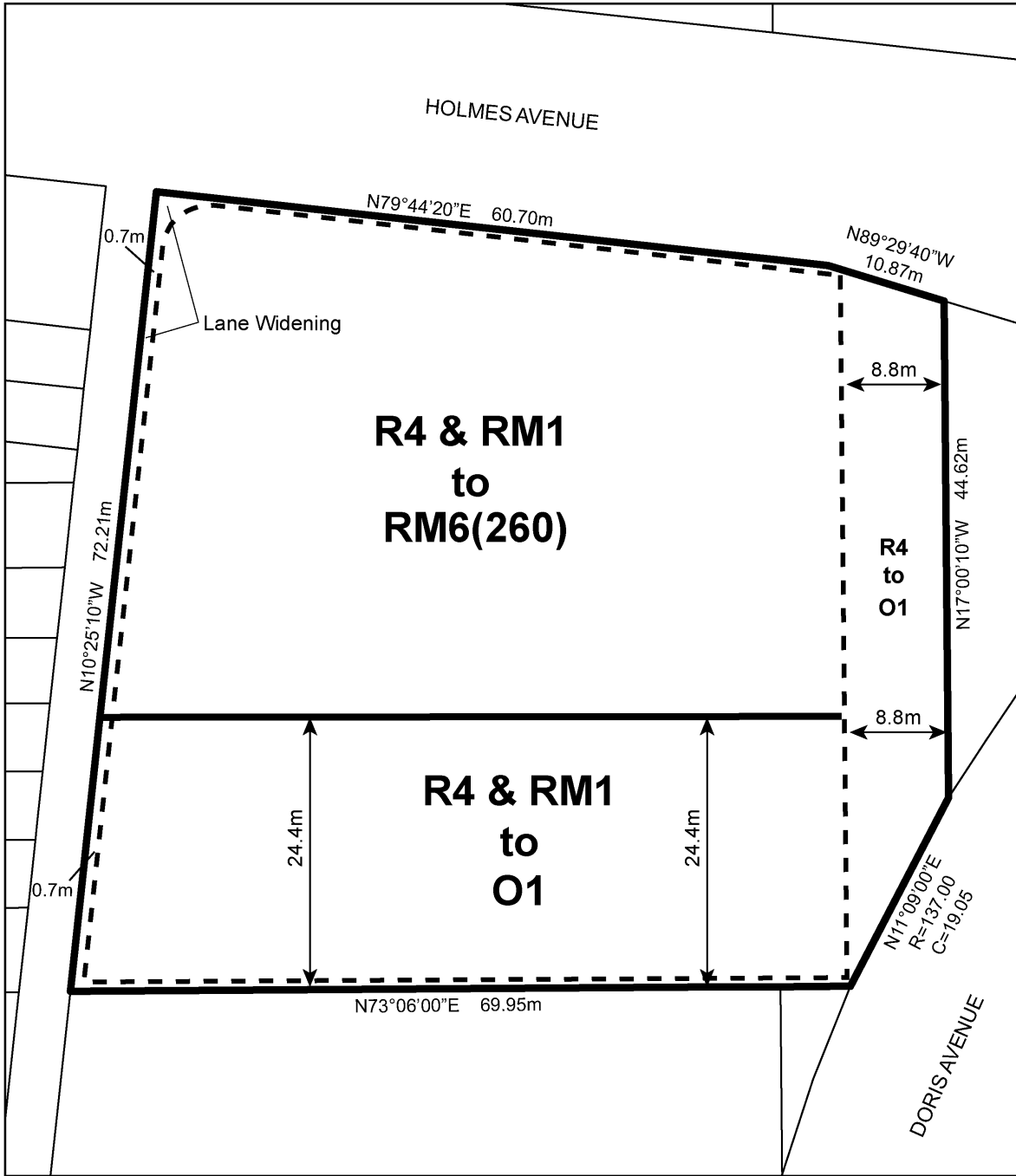
Enacted and passed on July 18, 2019.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



Schedule "1"




 **TORONTO**
Schedule 1

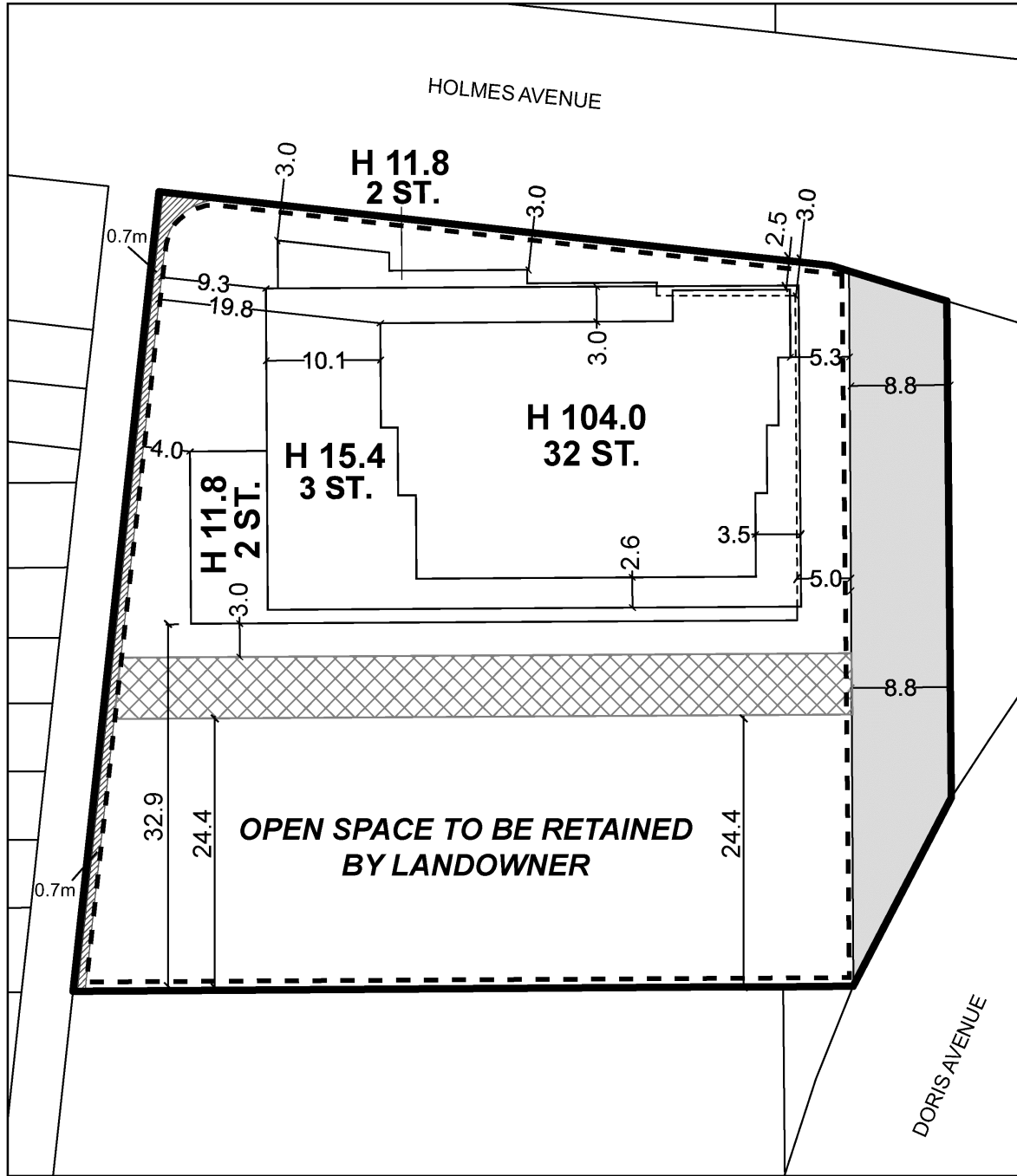
15-21 Holmes Avenue

File # 18 147351 NNY 23 0Z

-  Gross Site
-  Net Site


Former North York By-law 7625
Not to Scale
06/05/2019


Schedule "RM6(260)"




Toronto
 Schedule RM6(260)

15-21 Holmes Avenue

File # 18 147351 NNY 23 0Z

-  Parkland dedication
-  Lane widening
-  Gross Site
-  Privately Owned Publicly Accessible Open Space
-  Net Site


 Former North York By-law 7625
 Not to Scale
 07/08/2019

Schedule "A"
Supplementary Section 37 Provisions

The matters set out below are required to be provided to the City of Toronto at the owner's expense in return for the increase in density of the proposed development on the net site and to be 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 the first above grade building permit for the site, the owner shall remit to the City, by certified cheque, funds in an amount equal to \$1,292 per square metre for the 5,442 square metres of additional gross floor area specified in Section 3(CC)(iii) of this By-law, representing the monetary contribution payment referred to in Section 3(BB)(iii), indexed upwardly in accordance with the Toronto Real Estate Board Market Watch Index ("TREB Market Watch Index") from the date this zoning by-law is enacted to the date of payment. Specifically, the rate of \$1,292 per square metre shall be adjusted by multiplying it by a fraction, the denominator of which is the average of the three months of the TREB Market Watch Index Composite within the City of Toronto in the calendar month preceding the date this zoning by-law is enacted and the numerator of which is the average of the three months of the TREB Market Watch Index Composite within the City of Toronto in the calendar month preceding the date of payment, provided that in no event shall the rate be less than \$1,292 per square metre.
2. The following are also to be secured as a matter of legal convenience in the Section 37 Agreement, but are not eligible for additional Gross Floor Area:
 - (i) the City acquiring lands on Holmes Avenue necessary for the completion of planned service roads and associated road network and buffer areas in the North York Centre including any improvements thereto for the purposes of pedestrian enhancing to the design and construction by the owner to the satisfaction of the General Manager, Transportation Services. The development charge credit shall be in an amount that is in accordance with the City's Development Charges by-law, as may be amended from time to time;
 - (ii) a common outdoor space (mid-block connection) to be located adjacent to the building connecting the public park to the public lane;
 - (iii) transportation demand measures including the provision of a real time transit display, electric car charging stations and the provision of two car share spaces;
 - (iv) the owner shall provide tenant relocation assistance to all eligible tenants to the satisfaction of the Chief Planner and Executive Director, City Planning; and
 - (v) 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 item PG32.3 of the Planning and Growth Management Committee.