

**31, 33 and 35 Wilmington Avenue, Rezoning Application
- Final Report**

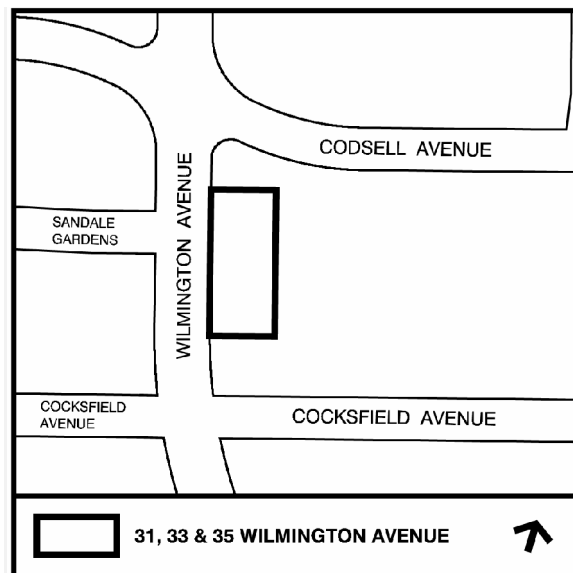
Date:	October 15, 2009
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 10 – York Centre
Reference Number:	05 126931 NNY 10 OZ

SUMMARY

This application was submitted on April 7, 2005 and is not subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

This application proposes to amend the Zoning By-law to permit the construction of a three storey, 20 bedroom retirement residence at 31 Wilmington Avenue. The proposed retirement home at 31 Wilmington Avenue would be operated in conjunction with the existing two-storey 16 bedroom retirement home and accessory place of worship at 33 Wilmington Avenue. No expansion or construction is proposed to the buildings at 33 and 35 Wilmington Avenue. A total of 36 rooms are proposed for 31 and 33 Wilmington Avenue.

The proposal is compatible with the surrounding neighbourhood and is consistent with the *Neighbourhoods* policies of the Official Plan. This report reviews and recommends approval of the application to amend the Zoning By-law.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Zoning By-law substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary bill to Council for enactment, require the applicant to enter into a Site Plan Agreement under Section 41(16) of the *Planning Act* and Section 114 of the *City of Toronto Act*.
4. Prior to introducing the necessary bill to Council for enactment, the applicant shall retain a private and qualified consultant to undertake a building audit to the satisfaction of the Director of Community Planning North York District in consultation with the Deputy Chief Building Official, the Executive Director of Municipal Licensing and Standards, and the Fire Marshal demonstrating that the existing retirement home at 33 Wilmington Avenue meets the City's Property Standards and Fire Code requirements to accommodate a maximum of 4 bedrooms with double occupancy and 12 bedrooms with single occupancy for a total of 20 residents. The applicant will ensure that any deficiencies are rectified prior to the enactment of the Zoning By-law.
5. Prior to introducing the necessary bill to Council for enactment, the applicant shall provide an undertaking, to the satisfaction of the City Solicitor, guaranteeing that prior to the issuance of a demolition permit for 31 Wilmington Avenue, all residents at 31 Wilmington Avenue will be provided the option to be relocated to 33 Wilmington Avenue, with no rent increase, until such time as an occupancy permit has been issued by the Chief Building Official for 31 Wilmington Avenue, and further, that said residents will be offered a first right of refusal for the opportunity to rent newly constructed units in the newly constructed retirement home at 31 Wilmington Avenue.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The building at 33 Wilmington Avenue was the subject of three minor variance applications to permit additions to the existing building. In 1968, while the building was being used as a place of worship, the Committee of Adjustment approved an application for a reduced easterly side yard setback. In 1994, the Committee refused an application

for a reduced rear yard setback to permit a two storey addition to the retirement home, which was assessed as a residential dwelling. Later that year, the Committee subsequently approved an application for a reduced rear yard setback, as previously applied for, thereby permitting a two-storey addition to the rear of the building.

In 1998, Official Plan and Zoning By-law Amendment applications were approved to recognize the existing retirement homes and accessory place of worship within the buildings at 31 and 33 Wilmington Avenue, constructed as of April 1, 1998.

ISSUE BACKGROUND

Proposal

This application proposes to amend the Zoning By-law to permit the construction of a three storey, 20-bedroom retirement residence at 31 Wilmington Avenue. The proposed retirement home at 31 Wilmington Avenue will be operated in conjunction with the existing two-storey 16 bedroom retirement home and accessory place of worship at 33 Wilmington Avenue. No expansion or construction is proposed to the building at 33 Wilmington Avenue. The application seeks approval for four double occupancy bedrooms and 12 single occupancy bedrooms in 33 Wilmington Avenue. A total of 36 bedrooms and 40 residents are proposed for both properties.

The proposed retirement home at 31 Wilmington Avenue would have 5 parking spaces located on site to be used in conjunction with the 3 existing parking spaces at 33 Wilmington Avenue. Approximately 318m² of activity area is being proposed inside the retirement residence, 23.8m² of balcony area on the third floor as well as 80.8m² of passive green roof space on the first and second floors. An 89.5 m² dining room with adjacent kitchen is proposed on the lower floor of the building accommodating approximately 60 persons. Finally, two outdoor patio areas are proposed on the east side of the building on the lower floor adjacent to the activity area. Please see Attachment No. 5 for project data.

Site and Surrounding Area

The 1,583 square metre site is located on the east side of Wilmington Avenue between Codsell Avenue and Cocksfield Avenue. The existing building at 31 Wilmington Avenue was constructed as a single-detached dwelling in the 1950s and has been used as a retirement home since 1994. The existing building at 33 Wilmington Avenue was constructed in the 1950s as a place of worship, which included living accommodations on the upper floors. The building has been used as a retirement home and accessory place of worship since 1992. The site is currently served by a total of 6 parking spaces accessed by two driveways on Wilmington Avenue.

Abutting land uses are as follows:

North: single-detached dwellings;

South: single-detached dwellings immediately to the south. Beyond that are three storey apartment buildings located south of Cocksfield Drive along both sides of Wilmington Avenue;

East: single-detached dwellings; and

West: semi-detached dwellings along the west side of Wilmington Avenue.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

Official Plan

The subject property is designated *Neighbourhoods* in the City of Toronto Official Plan. *Neighbourhoods* are considered physically stable areas, which include residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes, townhouses and walk-up apartments. Parks, local institutions, home occupations, cultural and recreational facilities and small scale retail service and office uses are also provided for in *Neighbourhoods*. Local institutions include uses such as seniors and nursing homes and long term care facilities.

The Official Plan recognizes that most future development will be situated on infill and redevelopment sites throughout the City. The Plan contains policies that state that any redevelopment in *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood. Special infill criteria are provided for dealing with the integration of re-development within *Neighbourhoods* including:

- a) patterns of streets, blocks and lanes, parks and public building sites;
- b) size and configuration of lots;
- c) heights, massing, scale and dwelling type of nearby residential properties;
- d) prevailing building type(s);
- e) setbacks of buildings from the streets;
- f) prevailing patterns of rear and side yard setbacks and landscaped open space;
- g) continuation of special landscape or built-form features that contribute to the physical character of the neighbourhood; and
- h) conservation of heritage buildings, structures and landscapes.

The Official Plan also states that no changes will be made through rezoning that are out of keeping with the existing physical character of the neighbourhood. In some instances, a neighbourhood may have more than one prevailing building type.

There is more than one prevailing building type within the vicinity of the subject site. On the west side of Wilmington Avenue south of the subject site there are low rise residential uses as well as three storey walk-up apartments on both the east and west side of Wilmington Avenue. To the north of the site on the west side of Wilmington Avenue are a range of low density residential uses such as duplexes, semi detached dwellings and single detached dwellings. On the east side of Wilmington Avenue there are single detached dwellings. Finally, to the north of the site there is a community centre, elementary school and commercial plaza.

Zoning

The site is currently zoned Residential Multiple-Family Dwellings Second Density Zone RM2 with a site specific exception as shown on Attachment 4. This zone permits detached dwellings, semi-detached dwellings, selected home occupations and institutional uses such as schools and places of worship.

Site specific Exception 22 includes provisions that permit a retirement home and a place of worship as additional uses within the two existing buildings at 31 and 33 Wilmington Avenue; limits the combined total number of bedrooms for both buildings to 20; and limits the building height of 31 and 33 Wilmington Avenue to 1 storey and 2 storeys, respectively. Exception 22 also includes provisions regarding maximum number and location of parking spaces, maximum gross floor area for a place of worship, minimum yard setbacks, minimum lot area and minimum lot frontage.

	Existing Zoning Permissions	Present Use	Proposed Use
Lot Area (m²)	N/A	31 Wilmington Ave. – 850 33 Wilmington Avenue – 733 Total – 1,583	No Change
Gross Floor Area (m²)	N/A	31 Wilmington Ave. - 125 33 Wilmington Ave. – 460* Total – 585	31 Wilmington Ave. - 877 33 Wilmington Ave. – 460 Total – 1,337
Bedrooms (#)	Combined total within existing buildings – 20	31 Wilmington Ave. - 7 33 Wilmington Ave. – 16 (26 beds) Total – 23 bedrooms, 33 beds	31 Wilmington Ave. - 20 33 Wilmington Ave. – 16 (20 beds) Total – 36 bedrooms, 40 beds
Storeys (#)	31 Wilmington Ave. - 1 33 Wilmington Ave. – 2 or 8.8m whichever is the lesser	31 Wilmington Ave. - 1 33 Wilmington Ave. – 2	31 Wilmington Ave. - 3 33 Wilmington Ave. – 2
Parking Spaces	6	6	8

* includes a 20-square metre accessory place of worship

Site Plan Control

A Site Plan Control application has been submitted to implement the proposal and has been reviewed by staff in conjunction with this rezoning application.

Reasons for Application

Amendments to the provisions of the Zoning By-law are required to permit a retirement home use in a new building at 31 Wilmington Avenue and with respect to maximum building height, maximum number of bedrooms, minimum number of parking spaces and front yard parking. The amended By-law will also recognize the existing uses and built form of 33 Wilmington Avenue.

Community Consultation

A community consultation meeting was held on June 9, 2008. The meeting was attended by the local Councillor, City Planning and Transportation Services staff, the applicant and approximately 7 members of the public. The concerns raised by residents with respect to the proposed development were:

- Height (three storeys) is too high;
- The building mass is too large and the setbacks are too close to neighbouring lot lines;
- Creating a precedent for 33 Wilmington Avenue and adjacent properties to rezone for larger buildings;
- The removal of mature trees on the site, in particular the large Silver Maple on the south property line;
- The proposed balconies on the back of the units creating privacy and overview concerns;
- Adequacy of the number of parking spaces provided, specifically visitor parking;
- Potential overcrowding on the site and the adequacy and safety of the number of bedrooms being provided in the existing retirement home at 33 Wilmington Avenue; and,
- Proposed landscaping, tree preservation and fencing.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

COMMENTS

Land Use

The Official Plan designates the subject lands as *Neighbourhoods* and retirement homes are permitted in this designation. Retirement homes are residences that provide accommodation for seniors with a number of common amenities including a dining facility. Both 31 and 33 Wilmington Avenue presently contain retirement homes and the

continuation of this use on the properties is appropriate for this site. In particular, the new building at 31 Wilmington Avenue represents an opportunity to provide upgraded accommodation to meet the needs of current and future senior citizens.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement directs Planning authorities to provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by permitting and facilitating all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements (Policy 1.4.3.b.1). The PPS also directs development of new housing toward locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs (Policy 1.4.3.c) and promotes densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of public transit in areas where it exists (Policy 1.4.3.d). Finally, the PPS mandates that the Official Plan is the most important vehicle for its implementation.

The Growth Plan provides policy direction promoting the development of complete communities that are well-designed, offer transportation choices, accommodate people at all stages of life and have the appropriate mix of housing, a good range of jobs and easy access to stores and services in order to meet the daily needs of its residents (Policies 2.1 and 2.2.2.h). It accommodates this growth by directing development to settlement areas – urban areas within municipalities where development is concentrated, which have a mix of land uses and has been designated in the Official Plan for development (Policy 2.2.2.i. and Definitions).

The proposal is consistent with both the PPS and Growth Plan. The proposed retirement home promotes intensification through compact built form, uses existing infrastructure, is well served by public transportation, complies with the use and compatibility *Neighbourhoods* policies of the Official Plan, and provides a form of housing for individuals in the latter stages of their lives with special needs requirements.

Density, Height and Massing

A number of revisions and additions were made to the proposal to address concerns related to privacy, overlook and the preservation of existing mature trees onsite. The building design has been revised to step back on the third floor to provide a 45 degree angular plane from the rear property line. The southern side of the third floor was reduced to provide a 5.5m setback to address privacy and overlook concerns from the neighbour at 198 Cocksfield Avenue. The hallway windows on the south elevation hallway will have frosted glass to address additional concerns regarding privacy and lighting from the neighbour to the south.

A green roof above the second floor on the southern side is proposed and will provide landscape screening to the neighbour to the south. A sloped retaining wall was added to the lower patio area to provide an opportunity for plantings and to allow more sunlight

into the lower dining room area. A planted wall is proposed in front of the rear extension to provide landscape screening for this portion of the building that is 3.25m to the lot line. Finally, a 1.8m living wall is proposed to provide both privacy and green landscaping between the low density residential dwellings to the south and the proposed retirement residence.

The Official Plan requires new development in *Neighbourhoods* to respect and reinforce the existing physical character of the neighbourhood. The proposal is compatible with existing development on Wilmington Avenue with respect to its density and scale. The site is located on the edge of an area predominately comprised of single detached dwellings and fronts onto a minor arterial road. There are three storey buildings in the vicinity, semi-detached dwellings on the west side of Wilmington Avenue opposite the site and apartment buildings south of the site on either side of Wilmington Avenue between Cocksfield Avenue and Sheppard Avenue.

The proposal is in keeping with the predominant form of development for the street. The proposal respects the adjacent stable low density areas being consistent with the height, coverage and front yard setbacks of the existing RM2 zoning. The cumulative lot coverage over both properties will be 33.4%. Lot coverage of 35% for duplex dwellings and 30% for semi-detached dwellings is permitted under the RM2 zoning. The proposed lot coverage of the retirement home at 31 Wilmington Avenue is 35.5%.

While a 3.2m rear yard setback is being proposed for the one storey extension, the remainder of the building steps back to 7.5m from the rear property line which is appropriate for this scale of building. Similarly, a 2.4m north side yard setback is proposed for the three storey hallway, whereas the remainder of the building is set back to 8.0m.

The proposal represents a density of approximately 1.0 FSI. The proposed building would be three stories in height. New development within *Neighbourhoods* must provide an appropriate transition in height to the existing neighbourhood, and the height, scale and built form of the new development should not create a significant adverse impact in terms of overview, shadowing or loss of privacy on adjacent properties. As the proposed building meets these criteria, the height, massing and siting of the building is appropriate.

35 Wilmington Avenue

The June 23, 1997 Planning staff report for By-law 113-1999 supported rezoning 35 Wilmington Avenue to permit semi-detached dwellings which was not permitted under the existing zoning. The planning rationale indicated the site would unlikely be rebuilt as a single family dwelling and 35 Wilmington Avenue was rezoned to RM2(22) to allow the flexibility to redevelop the site with semi-detached dwellings, a use compatible with the semi-detached dwellings located directly across from the site on the west side of Wilmington Avenue. Since By-law 113-1999 is being repealed in its entirety, staff are recommending the permissions for semi-detached dwellings for 35 Wilmington Avenue continue in the new By-law.

Bedrooms and Resident Count

The potential to overcrowd the property was raised as an issue at the community consultation meeting. The existing building at 31 Wilmington Avenue has seven single occupancy bedrooms. The proposed building will have 20 single occupancy bedrooms. According to the applicant, 33 Wilmington Avenue currently has 16 bedrooms; however, 10 rooms are presently double occupied which equates to a total of 26 residents.

To mitigate potential overcrowding onsite, the owner has agreed to reduce double occupancies in 33 Wilmington Avenue from 10 to 4 bedrooms. As such, while the total number of on-site bedrooms will increase from 23 to 36 rooms, the total number of beds will increase by 7 or from 33 to 40 beds.

Tenant Relocation

According to the applicant, 31 Wilmington Avenue currently has 3 remaining residents and 33 Wilmington Avenue has 20 remaining residents. The applicant has advised that the 3 residents from 31 Wilmington Avenue will be relocated to the vacant bedrooms at 33 Wilmington Avenue until such time as the new retirement facility at 31 Wilmington Avenue is completed and an occupancy permit has been issued by the Chief Building Official.

Traffic Impact, Access and Parking

Five parking spaces are proposed to be provided at 31 Wilmington Avenue on the north side of the building and three parking spaces are provided at 33 Wilmington Avenue for a total of eight spaces. Transportation Services staff have reviewed the application and advise that the proposed parking provisions are acceptable. It is noted that on street parking is permitted along Wilmington Avenue and Sandale Gardens. The site is well served by transit and there are TTC bus stops on both sides of Wilmington Avenue at Codsell Avenue which is serviced by the 104 Faywood route. Service is available daily and throughout the week.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The subject lands are in an area with 0.43-0.79 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is not in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

Calculation of Parkland Dedication

The applicant has proposed to replace the existing one-storey retirement residence with a three-storey retirement residence containing 20 bedrooms. The rooms within the building do not contain any kitchen facilities and there is a common dining area with meals

provided to the residents. As such, the development proposal is deemed to be a commercial use for the purpose of the Parkland dedication By-law and will be subject to a 2% parkland dedication.

It should be noted that Parks, Forestry & Recreation staff are currently preparing a Harmonized Parkland Dedication By-law which will unify parkland dedication requirements and exemptions on a City-wide basis from the existing by-laws of the former municipalities. If the parkland dedication requirements change prior to the issuance of building permits, the new approved rates will apply.

Proposal for Dedication of Parkland

The applicant proposes to satisfy the parkland dedication requirement by paying cash-in-lieu since the amount of land which could be dedicated from this 850m² property is too small to be of a functional size. This is acceptable to Parks, Forestry and Recreation staff. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of building permit.

Toronto Green Standard

The Toronto Green Standard contains performance targets and guidelines that relate to site and building design to promote better environmental sustainability in Toronto. This application was submitted in advance of the release of the Toronto Green Standard. However, through the review of the application a number of elements have been included to reduce the environmental impact of the building. The building will have 80 square metres of passive green roof, a 1.8m living wall along the east and south property line and a sloped armour stone retaining wall in the lower patio area to provide an opportunity for plantings. The sloped armour stone wall would also allow more sunlight into the lower dining room area. Large growing, native shade trees are proposed to be planted within the City boulevard and pavers are being used for the walkway.

Development Charges

It is estimated that the development charges for this project will be \$63,900. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

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E-mail: asalles@toronto.ca

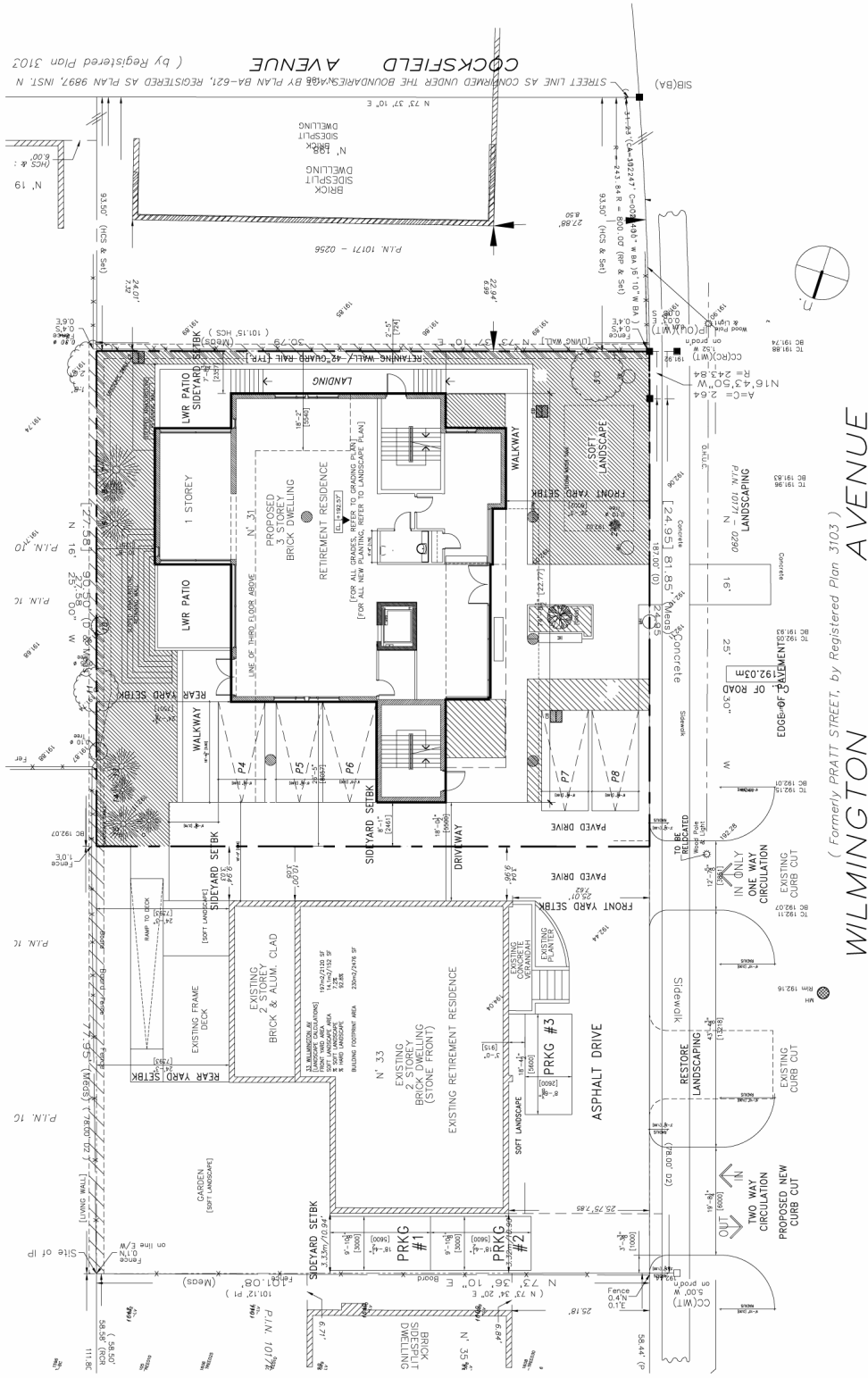
SIGNATURE

Thomas C. Keefe, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Setbacks
Attachment 3: Elevations
Attachment 4: Zoning
Attachment 5: Application Data Sheet
Attachment 6: Draft Zoning By-law Amendment

Attachment 1: Site Plan



31 - 33 Wilmington Avenue

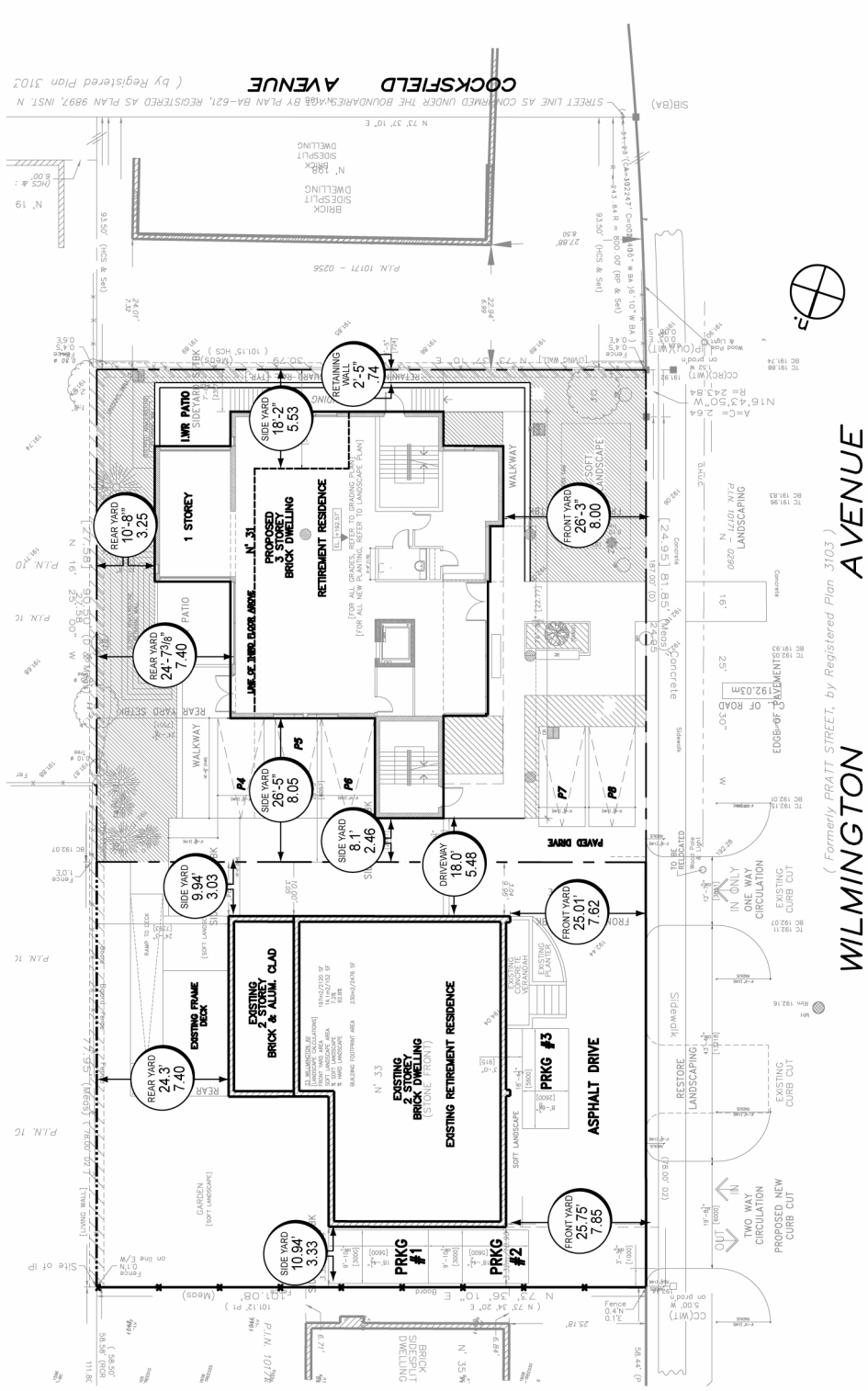
Site Plan

Applicant's Submitted Drawing

Not to Scale
09/25/2009

File # 05_126931

Attachment 2: Setbacks



Setbacks

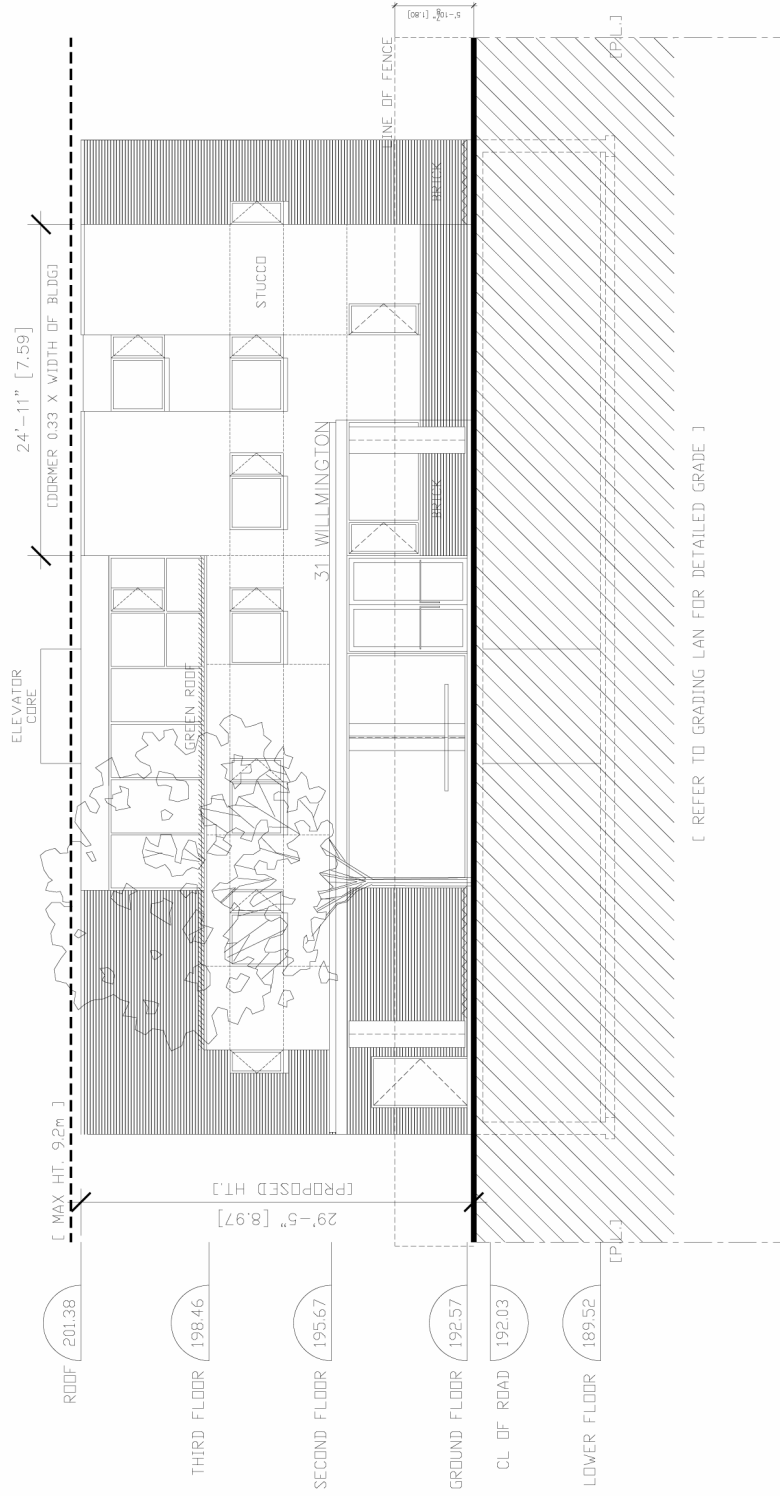
Applicant's Submitted Drawing

Not to Scale
09/25/2009

31 - 33 Wilmington Avenue

File # 05 126931

**Attachment 3:
Elevations**

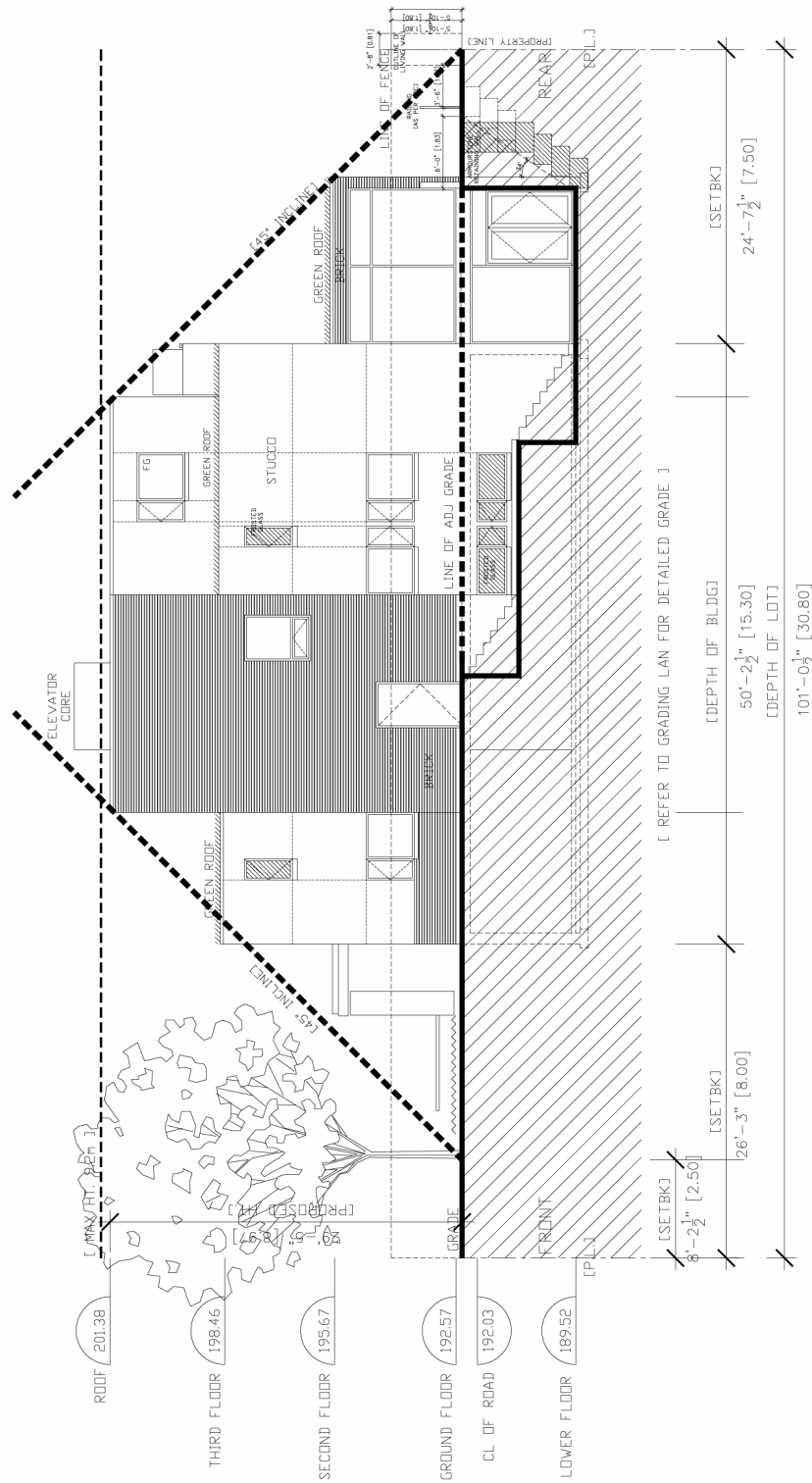


West Elevation

Elevations
Applicant's Submitted Drawing
Not to Scale
09/25/2009

31 - 33 Wilmington Avenue

File # 05_126931



South Elevation

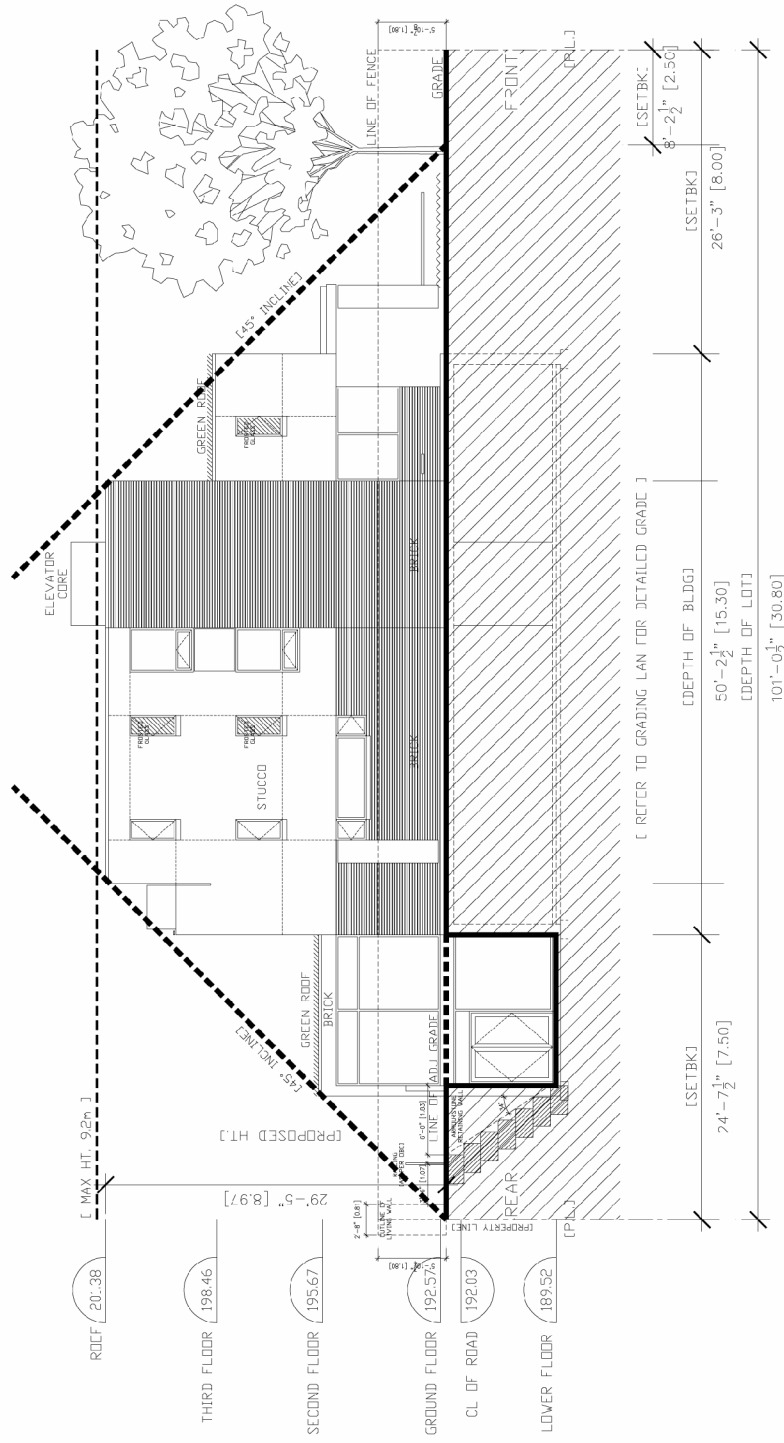
Elevations

Applicant's Submitted Drawing

Not to Scale
09/25/2009

31 - 33 Wilmington Avenue

File # 05_126931



North Elevation

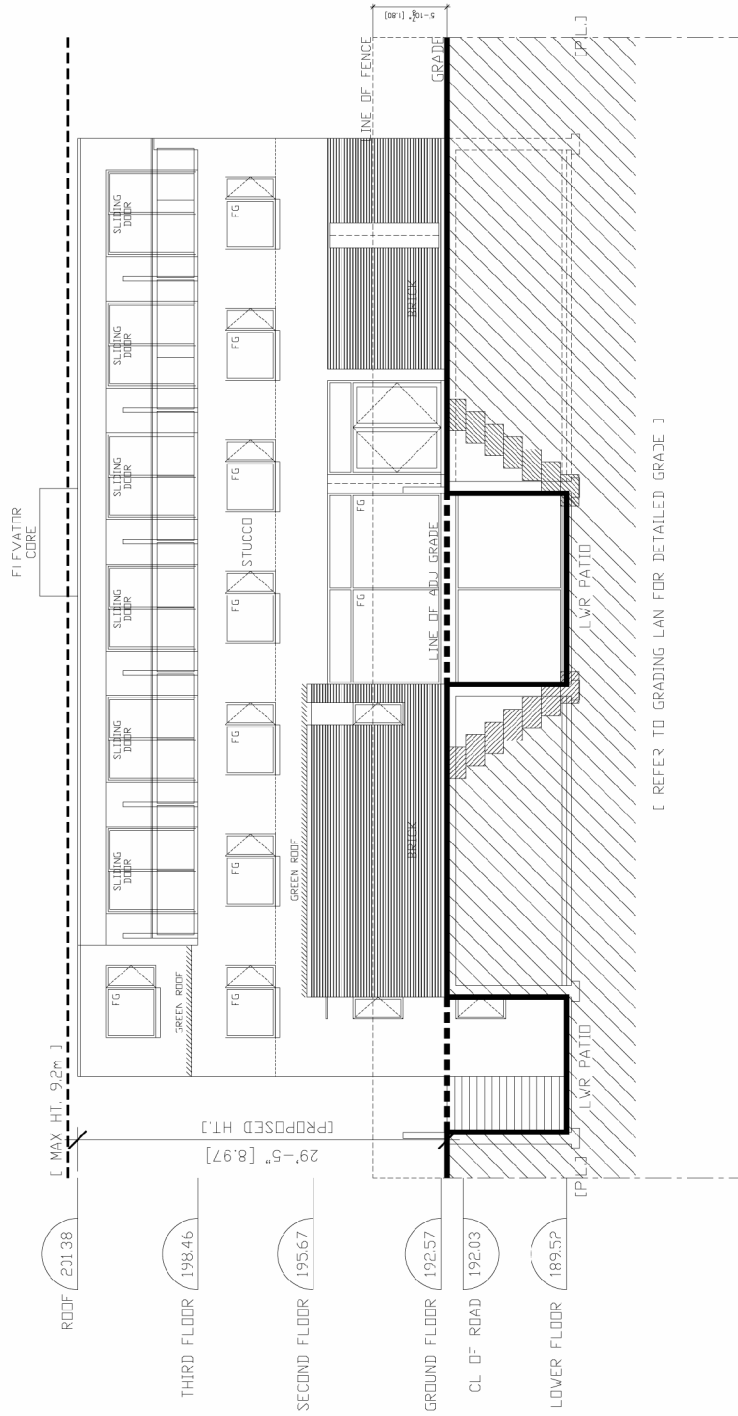
Elevations

31 - 33 Wilmington Avenue

Applicant's Submitted Drawing

Not to Scale
08/25/2009

File # 05_126931



East Elevation

Elevations

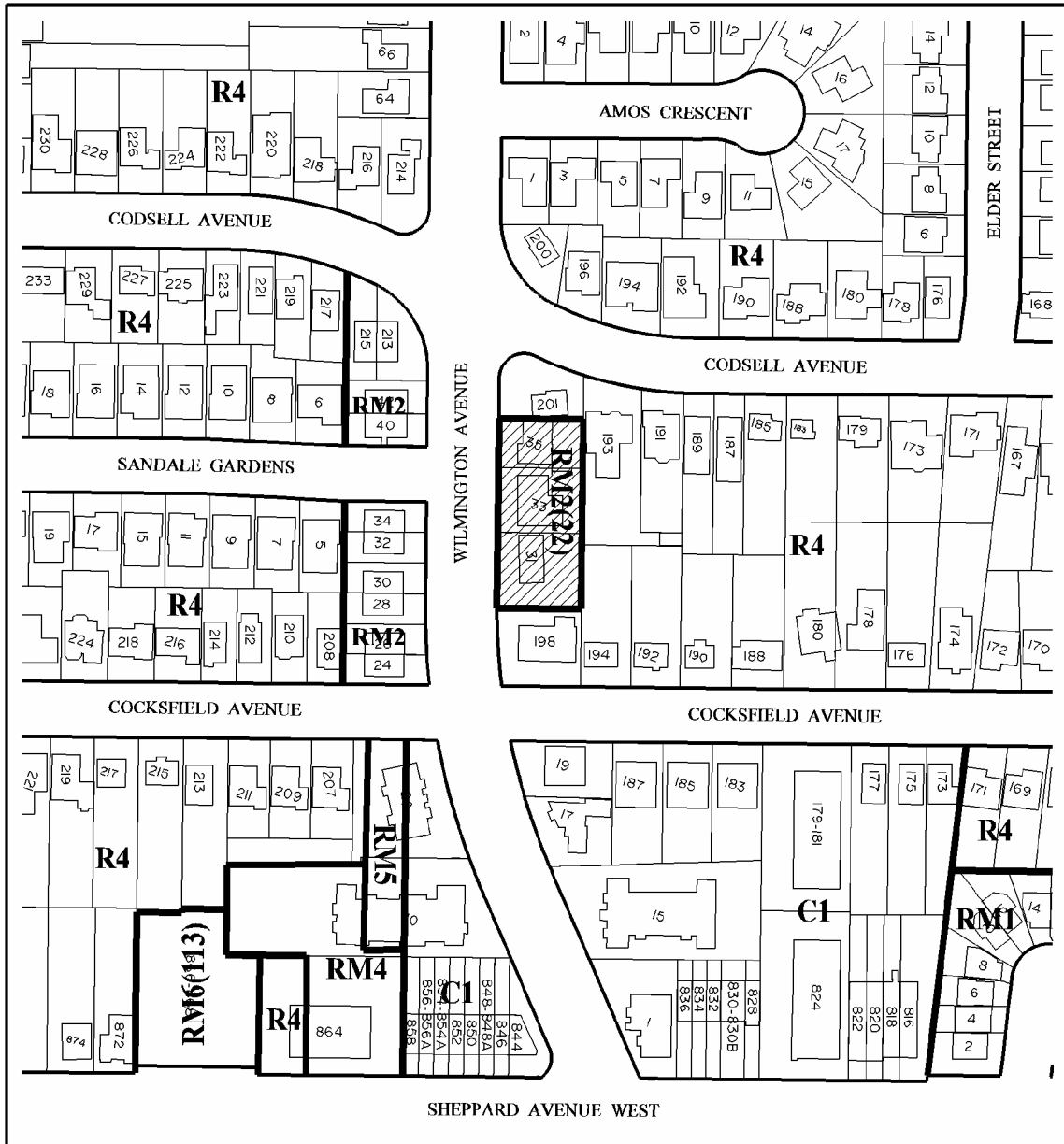
31 - 33 Wilmington Avenue

Applicant's Submitted Drawing

Not to Scale
08/24/2009

File # 05_126931

Attachment 4: Zoning



TORONTO City Planning Division
Zoning


31 & 33 & 35 Wilmington Avenue

File # 05_126931

- R4 One-Family Detached Dwelling Fourth Density Zone
- RM1 Multiple-Family Dwellings First Density Zone
- RM2 Multiple-Family Dwellings Second Density Zone
- RM4 Multiple-Family Dwellings Fourth Density Zone
- RM5 Multiple-Family Dwellings Fifth Density Zone

- RM6 Multiple-Family Dwellings Sixth Density Zone
- C1 General Commercial Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category


 Not to Scale
 Zoning By-law 7625
 Extracted 12/12/05

Attachment 5: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	05 126931 NNY 10 OZ
Details	Rezoning, Standard	Application Date:	April 27, 2005
Municipal Address:	31 WILMINGTON AVE, TORONTO ON		
Location Description:	PLAN 3103 PT LOT 21 **GRID N1003		
Project Description:	Proposal to replace existing one-storey retirement residence with a three-storey retirement residence containing 20 bedrooms, at 31 Wilmington Avenue. The existing two-storey, 16 bed-room retirement residence and accessory place of worship, at 33 Wilmington Avenue will be retained.		

Applicant:	Agent:	Architect:	Owner:
ACTION PLANNING CONSULTANTS FRANCO ROMANO			NITZAN JACOB SAHAR

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	RM2(22)	Historical Status:	
Height Limit (m):	9.2	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	849.84	Height:	Storeys:	3
Frontage (m):	27.58		Metres:	9.2
Depth (m):	31			
Total Ground Floor Area (sq. m):	300.8			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	5
Total Non-Residential GFA (sq. m):	886.2		Loading Docks	0
Total GFA (sq. m):	886.2			
Lot Coverage Ratio (%):	35.5			
Floor Space Index:	1.04			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Other			
Rooms:	20	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	886.2	0
Total Units:	0			

CONTACT:	PLANNER NAME:	Andria Sallese, Planner
	TELEPHONE:	(416) 395-7166

Attachment 6: Draft Zoning By-law Amendment

Authority: North York Community Council Item ~ [Report No. ~, Clause No. ~]
as adopted by City of Toronto Council on ~, 2009
Enacted by Council: ~, 2009

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2009

To amend the former City of North York Zoning By-law No. 7625, as amended with respect to the lands municipally known as 31, 33 and 35 Wilmington Avenue, and to repeal the City of Toronto Zoning By-law No. 113-1999

WHEREAS authority is given to Council by 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*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Schedules “B” and “C” of By-law No. 7625 of the former City of North York are amended in accordance with Schedule “1” of this By-law.
2. Section 64.17 (22) RM2(22) of By-law No. 7625 is hereby repealed and replaced by the following subsection:

64.17(22) RM2(48)

DEFINITIONS

- a. For the purpose of this exception, “Retirement Home” shall mean a building used for the purpose of providing living accommodation for senior citizens in private Bed-Sitting Room Units, which may include common lounges, recreation rooms and ancillary administrative offices but shall not be used as a boarding or lodging house or a hotel.
- b. For the purpose of this exception, a “Bed-Sitting Room Unit” shall mean a private room with a private entrance from a hallway inside a building used as a separate living accommodation and shall include sanitary facilities but not a kitchen.

PERMITTED USES

- c. In addition to the permitted uses in the RM2 zone the following uses shall be permitted on those lands shown on Schedule '1' and Schedule 'RM2(48)' attached hereto and forming part of this By-law:
- i) One (1) Retirement Home on each of Blocks 'B' and 'C', as shown on Schedule '1' and Schedule 'RM2(48)', only, provided:
 - (i) The Bed Sitting-Room Units shall be used as the principal residence of the occupants and shall not be used on a transient basis.
 - (ii) A maximum of sixteen (16) Bed-Sitting Room Units in Building 'B' and a maximum of twenty (20) Bed-Sitting Room Units in Building 'C'.
 - (iii) A maximum of one person per Bed-Sitting Room Unit with the exception of a maximum of four (4) two person Bed-Sitting Room Units permitted only in Building 'B';
 - (iv) Building 'B' shall have a minimum of one (1) private dining area in conjunction with a food preparation facility to be used by all residents of Building 'B' and 'C';
 - (v) Building 'B' and 'C' shall have laundry facilities to be shared by all residents;
 - (vi) The dining area shall be available to all residents of the Retirement Home on a daily basis and shall not function as a public dining facility.
 - ii) One (1) Place of Worship ancillary to the Retirement Home use with a maximum gross floor of 21 square metres shall be permitted in Building 'B' only.

EXCEPTION REGULATIONS

- d. On those lands identified on Schedule '1' and 'RM2 (48)' attached hereto and forming part of this By-law, the following standards shall apply:
- i) A minimum outdoor Green Roof area of 80 square metres is required for Building 'C'.

- ii) A minimum indoor Recreational Amenity Area of 300 square metres is required for Building 'C'.
- iii) A maximum balcony area of 24 square metres is permitted on the third floor of Building 'C'.

e. Lot Area

- i) The minimum Lot Area for Block 'A' shall be 550 square metres. There shall be a minimum Lot Area of 225 square metres for each lot containing a Semi-Detached Dwelling Unit on Block 'A'.
- ii) A minimum Lot Area of 730 square metres is required for Block 'B' and a minimum Lot Area of 845 square metres is required for Block 'C'.

f. Lot Frontage

- i) The minimum Lot Frontage and Lot Width for Block 'A' shall be 15 metres and there shall be a minimum Lot Frontage and Lot Width of 7.5 metres for each Lot containing a Semi-Detached Dwelling Unit on Block 'A'.
- ii) The minimum Lot Frontage and Lot Width shall be 23 metres for Block 'B' and the minimum Lot Frontage and Lot Width shall be 24 metres for Block 'C'.

g. Yard Setbacks

- i) The minimum rear yard setback for Block 'A' shall be 7.5m.
- ii) The minimum front, rear and side yard setbacks for Blocks 'B' and 'C' shall be as shown in Schedule 'RM2 (48)' attached hereto.
- iii) A minimum south side yard setback of 0.7m shall be permitted to a retaining wall for Block 'C' only.

h. Parking

- i) A minimum of three (3) Parking Spaces shall be required for Building 'B' and a minimum of five (5) Parking Spaces shall be required for Building 'C'.
- ii) All Parking Spaces for the Retirement Homes shall be located a minimum distance of 20m from the southerly lot line of Block 'C'.

iii) All Parking Space dimensions shall comply with the minimum requirements of the By-law, with the exception of a maximum of four (4) Parking Spaces on Block 'C' which shall have a minimum width of 2.6m.

iv) Parking Aisles shall have a minimum width of 5.5m.

i. Height

i) A Retirement Home on Block 'B' shall be a maximum of two (2) storeys or a maximum of 7.6 metres above the Established Grade, whichever is the lesser.

ii) A Retirement Home on Block 'C' shall be a maximum of three (3) storeys or a maximum of 9.35 metres above the Established Grade, whichever is the lesser.

j. Coverage

i) The maximum Lot Coverage for Block 'B' shall be 31.5%.

ii) The maximum Lot Coverage for Block 'C' shall be 35.5%.

k. Gross Floor Area

i) A maximum gross floor area of 460 square metres shall be permitted for Building 'B'.

ii) A maximum gross floor area of 890 square metres shall be permitted for Building 'C'.

l. Landscaping

i) A maximum front yard hard surface area of 93% of the lot shall be permitted on Block B and a maximum front yard hard surface area of 57% of the lot shall be permitted on Block 'C'.

ii) A minimum front yard soft landscaped area of 7% is required on Block 'B' and a minimum front yard soft landscaped area of 45% is required on Block 'C'.

iii) A minimum landscaped area of 32% of the lot is required on Block 'B' and a minimum landscaped area of 27% of the lot is required on Block 'C'.

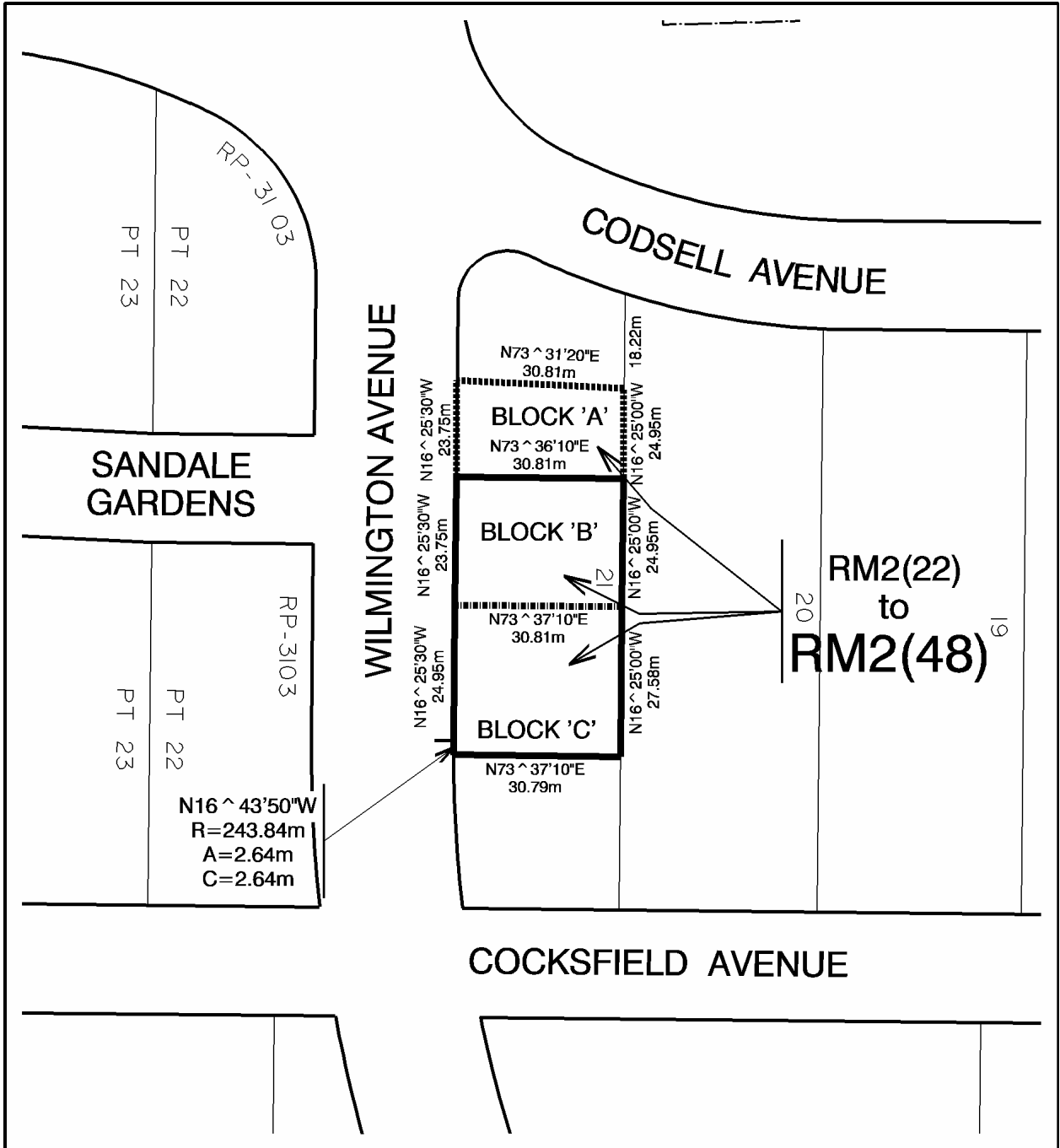
m. Fencing

- i) A fence with a minimum height of 1.8 metres shall be provided on the full length of a lot line that abuts any R zone.
- 3. Notwithstanding any defined terms to the extent modified by this By-law and the provisions noted herein, all other provisions and defined terms of the former City of North York Zoning By-law 7625, as amended, continue to apply.
- 4. The provisions of this exception shall apply collectively to the lands zoned RM2(48) notwithstanding their future severance, partition or division.
- 5. 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.
- 6. Exception RM2 (22) and By-law No. 113-1999 of the former City of North York are hereby repealed.

ENACTED AND PASSED this ~ day of ~, A.D. 2009.

DAVID R. MILLER,
Mayor
(Corporate Seal)

ULLI S. WATKISS,
City Clerk

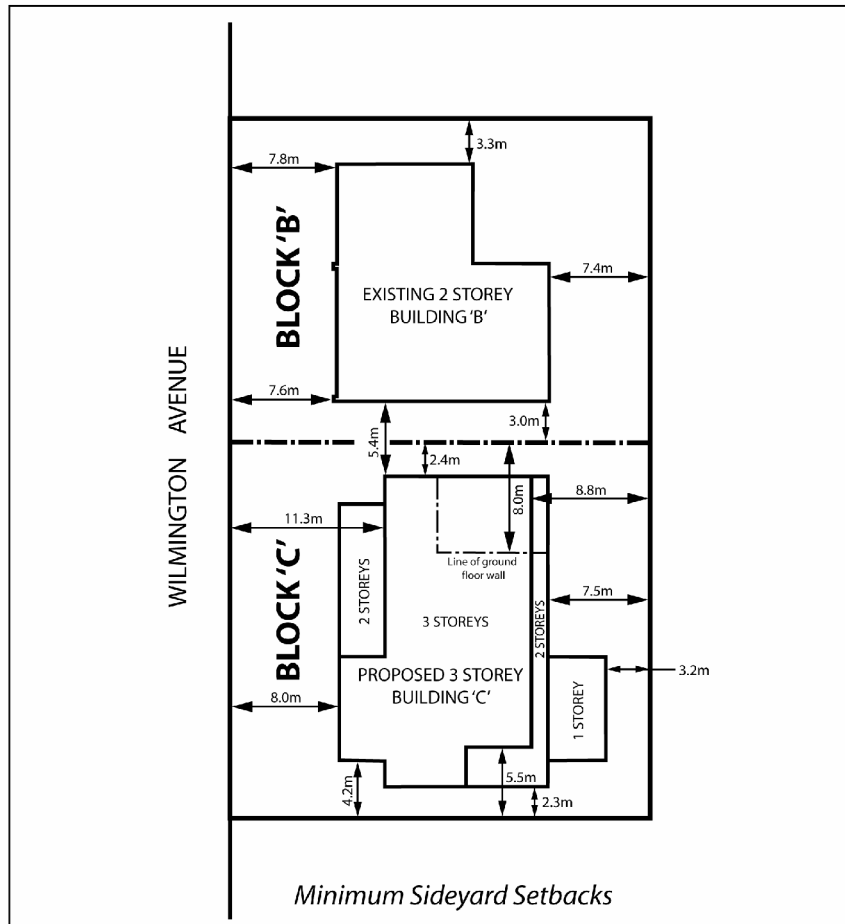


Schedule 1

PART OF LOT 21, R.P. 3103, CITY OF TORONTO
 Rabideau & Czerwinski, Ontario Land Surveyors
 Date: 10/01/2009
 Approved by: Andria Sallesse

File # 05_126931





TORONTO City Planning

Schedule RM2(48)

PART OF LOT 21, R.P. 3103, CITY OF TORONTO
 Rabideau & Czerwinski Ontario Land Surveyors
 Date: 10/01/2009
 Approved by: Andria Salleso

File # 05_126931

Not to Scale