

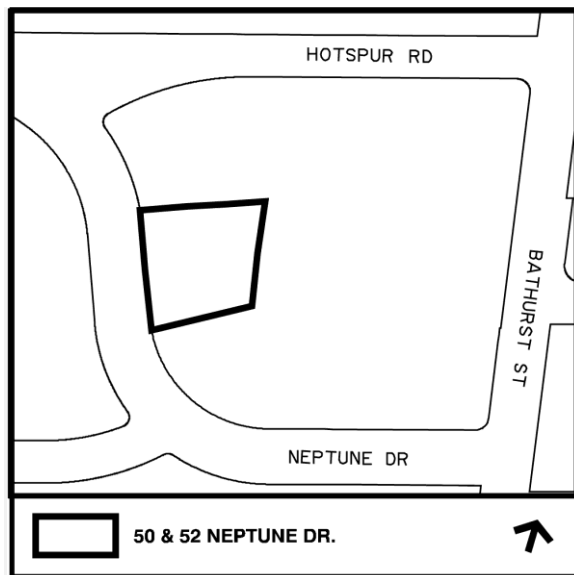
**50 and 52 Neptune Drive–Residential Rental Demolition Application Under Municipal Code Chapter 667 – Final Report**

<b>Date:</b>	February 3, 2014
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 15 – Eglinton Lawrence
<b>Reference Number:</b>	09 200499 NNY 00 RH (09 200486 NNY 15 OZ)

**SUMMARY**

This application for a Section 111 permit proposes to demolish two existing three storey walk-up rental apartment buildings with a total of 24 residential rental units at affordable and mid-range rents. The Applicant has approval from the Ontario Municipal Board to construct a new 10-storey residential condominium building and full replacement of the 24 existing rental units within the building.

This report's recommendations are in regard to the rental demolition application on the subject site under Municipal Code Chapter 667, pursuant to the *City of Toronto Act*. The related Zoning application for the proposed redevelopment was appealed to the Ontario Municipal Board on December 19, 2012. In July 2013 Council gave Staff direction to settle the appeals with the applicant. The Official Plan and Zoning By-law Amendments were before the Ontario Municipal Board on November 5, 2013. On December 11, 2013 the Board allowed the applicant's appeal as it relates to the Official Plan Amendment. The Board withheld its final order regarding the rezoning application pending confirmation from the City that, among



other matters, a Section 111 Rental Housing and Demolition application be approved by City Council. This report provides the results of the negotiations on the rental housing matters, an overview of the approved development, and makes recommendations to approve a Section 111 permit under Chapter 667 and Chapter 363 for the demolition of the 24 existing rental units subject to conditions. The conditions include the full replacement of the 24 rental units and the provision of tenant relocation assistance, including the right for tenants to return to occupy a rental unit in the new building. This report recommends entering into an agreement under Section 111 to secure these conditions.

The recommendations of this report fulfill these requirements.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council approve the application to demolish the 24 existing residential rental units located in two buildings at 50 and 52 Neptune Drive pursuant to Municipal Code Chapters 667 and 363 subject to the following conditions under Chapter 667 which provide for the replacement of 24 rental housing units with the same housing mix, as outlined in this report:
  - a. the owner shall provide and maintain twenty-four (24) residential rental units according to the rental floor plans dated October 28, 2013 with any changes to the satisfaction of the Chief Planner on the subject site;
  - b. the owner shall provide the units in (a) as rental housing for a period of at least 20 years, comprising 12 one-bedroom units and 12 two-bedroom units, of which at least 20 shall have affordable rents and 4 shall have rents no higher than mid-range rents;
  - c. the owner shall provide tenant relocation assistance including the right to return to a replacement rental unit for the eligible tenants to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
  - d. the owner shall enter into and register one or more Section 111 Agreement(s) to secure the conditions outlined herein and as described in the zoning by-law amendment attached and before the Ontario Municipal Board on November 5, 2013 to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division; and
  - e. the owner shall enter into and register a Section 118 Restriction under the *Land Titles Act* (to the satisfaction of the City Solicitor) agreeing not to

transfer or charge those parts of the lands, comprising the 24 replacement rental units, without the written consent of the Chief Planner and Executive Director, City Planning Division or his designate, to assist with securing the Section 111 Agreement against future owners and encumbrances of the lands to be released only upon the owner obtaining the necessary approvals including the zoning by-law amendment.

2. City Council authorize the Chief Planner and Executive Director, City Planning Division to issue the Preliminary Approval of the Section 111 permit to the application under Municipal Code Chapter 667 after the latest of the following has occurred:
  - a. Satisfaction or securing of the conditions in Recommendation 1;
  - b. after the Zoning By-law amendments approved by the Ontario Municipal Board have come into full force and effect; and
  - c. The issuance of the Notice Of Approval Conditions for site plan approval by the Chief Planner or her designate, pursuant to Section 114 of the *City of Toronto Act*, 2006.
3. City Council authorize the Chief Building Official to issue a Section 111 permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval referred to in Recommendation 2.
4. City Council authorize the Chief Building Official to issue a permit under Section 33 of the Planning Act no earlier than issuance of the first building permit for excavation and shoring of the development, and after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval referred to in Recommendation 2, which permit may be included in the demolition permit for Chapter 667 under 363-11.1, of the Municipal Code, on condition that:
  - a. The owner erect a residential building on site no later than three (3) years from the day demolition of the buildings is commenced; and
  - b. should the owner fail to complete the new building within the time specified in condition (a), the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000.00) for each dwelling unit for which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.
5. Authorize the appropriate City officials to take such actions as are necessary to implement the foregoing, including execution of the Section 111 Agreements.

## **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

The Zoning By-law application, as submitted on December 30, 2009, proposed to demolish two existing 3-storey rental buildings each with 12 units, 24 total on the site, and construct a new 14-storey residential building with 155 units, including 24 rental units and two levels of underground parking with a total 134 parking spots.

As part of the development review process, the applications were revised to propose the construction of a new 11-storey residential building with 169 units (24 rental and 145 condominium units), and 150 parking spaces.

The applications were appealed to the Ontario Municipal Board (OMB) on December 19, 2012. Council approved the basis for settlement of the OMB appeal in June 2013. The settlement, as presented to the OMB, proposed to construct a new 10-storey residential building with 161 units (24 rental and 137 condominium units), and 146 parking spaces of which 18 are dedicated to the rental units located in an underground parking garage.

With respect to the rental demolition and replacement matters, Council's requirements for settlement of the appeal of the redevelopment, to satisfy the Official Plan policy on rental demolition included:

1. The replacement of all 24 existing residential rental units and the provision of tenant relocation assistance.
2. The unit mix to be provided shall be either the same unit mix as the existing building (2 studios, 10 one-bedroom and 12 two-bedroom units), or alternatively, shall be as follows: two (2) one-bedroom with interior bedrooms; ten (10) one-bedroom; and twelve (12) two-bedroom units.
3. The total floor area of the replacement units may be smaller than the floor area of the existing rental units, provided that the reduced unit areas will generally be at least 95% of the existing rental unit areas. Two of the replacement rental units that are replacing studio units may contain a bedroom that is an interior bedroom.
4. All replacement rental units will include en-suite laundry facilities and central air, as well as access to new indoor and outdoor amenity space, bicycle parking and new lockers. Eighteen (18) parking spaces will be provided for tenants.
5. The revised plans and terms for the replacement of the rental units, and the tenant relocation and assistance plan, shall be in accordance with standard City practice and policies, and to the satisfaction of City Council.

On December 11, 2013, the OMB issued its decision approving the Official Plan. The OMB has withheld its final Order with regard to the Zoning By-law amendment application pending confirmation from the City that the following matters have been resolved to the satisfaction of the City:

- a. An executed Section 37 agreement.
- b. A site plan agreement registered on title to the Subject Lands.
- c. A Section 111 Rental Housing and Demolition application approved by Council under the City of Toronto Act, 2006, and;
- d. A finalized form of the Zoning By-law Amendment for the Subject Lands.

This property has not been the subject of a previous application for demolition or conversion of any rental units during the previous five year period.

## **ISSUE BACKGROUND**

### **Proposal**

This application for a Section 111 permit proposes to demolish two existing three storey apartment buildings with a total of 24 residential rental units, and provide full replacement of the 24 rental units.

The Applicant has approval from the Ontario Municipal Board (OMB) to construct a new 10-storey residential building with a condominium and full replacement of the 24 existing rental units within the building. This permit and final report satisfy a condition of approval from the OMB decision.

### **Site and Surrounding Area**

This site is on Neptune Drive, on the west side of Bathurst Street south of Highway 401. The site has a frontage of 45.6 metres, a depth of 61.7 metres and an area of 2,815 m<sup>2</sup>.

Currently, there are two three-storey walk-up apartment buildings on the site, with a surface parking lot and detached at-grade carports located at the rear of the buildings. The two buildings contain 24 rental units consisting of 2 studio units, 10 one-bedroom units and 12 two-bedroom units.

Land uses surrounding the site are as follows:

North: 2.5-storey walk-up apartment buildings directly abutting the site along Neptune Drive and Hotspur Road;

East: a 19-storey apartment building (3636 Bathurst Street) and a 9-storey apartment building (3630 Bathurst Street - Reuben Cipin Healthy Living Community);

West: 2.5 and 3.5-storey walk-up apartment buildings surround a public park (Rajah Park) along Neptune Drive and Wasdale Crescent; and

South: abutting the site to the south is a private school with an outdoor play area (Louis and Leah Posluns Education Centre) and a synagogue (Shaarei Tefillah Synagogue) located at the southwest corner of Neptune Drive and Bathurst Street. Baycrest Hospital is located further south at Bathurst Street and Baycrest Avenue.

## **Provincial Policy Statement**

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. The PPS provides a policy framework for the provision of a full range of housing to meet the needs of current and future residents, and for municipalities to establish housing strategies, including appropriate Official Plan policies, and affordable housing targets.

City Council's planning decisions are required to be consistent with the PPS.

## **Official Plan**

### **Section 3.2.1 Housing Policy**

This redevelopment proposal and demolition application is subject to the Official Plan's Housing policies, in particular 3.2.1.6.

Proposals involving the demolition of 6 or more units of rental housing shall not be approved by Council unless all of the rental housing units have rents that exceed mid-range rents at the time of application. Approvals should provide for their replacement with at least the same number, size and type of rental housing units. The rental housing is to be maintained as rental housing with no condominium registration, with rents similar to those in effect at the time the application is made, for a period of at least 10 years. An acceptable tenant relocation and assistance plan is required, addressing: the right to return to occupy one of the replacement units at similar rents; the provision of alternative accommodation; and other assistance to lessen hardship such as the provision of moving allowances both out of the existing building and for tenants who choose to return, a moving in allowance.

## **Rental Housing Demolition and Conversion By-law**

The Rental Housing Demolition and Conversion By-law (885-2007), contained in Chapter 667 of the City's Municipal Code, implements the City's Official Plan policies protecting rental housing. The City's Official Plan protects groups of six or more rental units from demolition. The By-law implements the City's policies protecting rental housing, which include providing and maintaining a full range of housing, within neighbourhoods as well as across the City. The By-law prohibits demolition or conversion of rental housing units without obtaining a permit from the City issued under Section 111 of the City of Toronto Act. Proposals involving the loss of six or more residential units, wherein one or more of the units are rental; require the submission of a Section 111 application. Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued under the Building Code Act.

A related application such as a rezoning triggers the requirement for an application under Chapter 667 for rental demolition or conversion, and typically City Council decides on both applications at the same time. Unlike Planning Act applications, decisions made by the City under By-law 885-2007 are not appealable to the OMB. In this case, the development's Official Plan Amendment has been approved at the Ontario Municipal Board.

Under Section 33 of the *Planning Act* and Municipal Code Chapter 363, Council has the authority to approve or refuse a demolition permit, except in cases where a building permit has been issued to construct a new building. The proposed demolition requires approval under both Section 33 of the *Planning Act* and Section 111 of the *City of Toronto Act*. Section 363-11.1 of the Municipal Code provides for the co-ordination of these two processes. The Chief Building Official may issue one demolition permit for the purposes of Section 33 of the *Planning Act* and Chapter 667 of the Municipal Code. The Chief Planner in consultation with the Chief Building Official may report on the application for a City Council Decision.

### **Site Plan Control**

The proposal is subject to Site Plan Control. The applicant has not yet submitted a Site Plan Control application. Prior to the Board issuing its final order a Site Plan Control application must be submitted and approved.

### **Reasons for Application**

A Rental Housing Demolition and Conversion Application under Section 111 of the *City of Toronto Act* (Chapter 667 of the Municipal Code) is required to permit the demolition

of the two existing buildings which contain a total of 24 rental dwelling units at affordable and mid-range rents.

## **Community Consultation**

Chapter 667 requires City Planning to hold a community consultation meeting to consider matters under the by-law and the impact on tenants prior to the submission of a report to Community Council. Tenants were surveyed by mail prior to a complete application for the rental demolition being received to get a preliminary determination of the demographics of the buildings to target the assistance measures. Invitations were extended to the affected tenants and other interested parties for a meeting which was held on July 29, 2013 to consider the rental housing issues as well as the general development application. An earlier version of the redevelopment proposal and rental replacement was presented, and concerns raised included: a lack of balconies in one-bedroom apartments, some of the two-bedroom apartments were considerably smaller, the lack of comparable units in the area at the same size for families, and the loss of parking and cost of parking. Tenants described their building and area as being "a family-oriented community". Since then, the revised plans involve a larger number of balconies, slightly larger two-bedroom units, and secured parking, and storage lockers for tenants.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions.

## **COMMENTS**

### **Provincial Policy Statement and Provincial Plans**

The proposal is consistent with the PPS.

### **Rental Housing**

The existing buildings are two 12 unit residential rental buildings with a total of 24 units with 20 affordable and 4 mid-range rental units. Currently all of the units are occupied by tenants. The rental building is subject to the *Residential Tenancies Act*, which has provisions for tenants asked to vacate for demolition.

#### Replacement Rental Housing

The owner has agreed to replace the 24 rental units with similar rents, and similar sizes. They will be located in the new building in two clusters on the lower floors, and will share entry and amenity areas for the rental component of the condominium building. The rental units will be secured as rental housing for at least twenty years with no application for condominium registration during this period.



The replacement proposal, including tenant assistance, meets the Official Plan policy and generally is consistent with the City's standard practices. The Zoning By-law Amendment provides for securing these matters in a Section 37 Agreement. The Council directions for a settlement included a decision that if the replacement proposal was not significantly revised, that an Official Plan Amendment would be required.

Staff worked with the applicant and is satisfied with the revised plans for the replacement units. The size of a number of the apartments was increased and many unit layouts were improved. Although the by-law and Section 37 and Section 111 Agreements will require that cumulatively the new units be at least 95% of the size of the existing units, the current plans actually achieve a 97% replacement floor area. The two studio units of the existing building are being replaced with one bedrooms, with interior bedrooms, at the same size as the current studios. The City practice is not to deem such replacement units as a comparable type of unit where the existing units had conventional bedrooms with openable windows and thus, the agreement includes a stipulation that these "one-bedrooms" will be rented at "studio" rates for the period of rental controls.

The proposed unit mix and rental range are shown in Table 1.

**Table 1: 50-52 Neptune Drive – Proposed Rental Unit Mix and Rents**

Type	Unit #s	Affordable	Mid-range	High-end
One bedroom (interior bedroom)	2	2		
One bedroom	10	7	3	
Two bedroom	12	11	1	
<b>Totals</b>	<b>24</b>	<b>20</b>	<b>4</b>	

Further Details of the Replacement Rental Housing

The Zoning By-law and Section 37 Agreement specify the minimum requirements as follows:

- a) There shall be two (2) one-bedroom units of a minimum of 545 square feet, which may have interior bedrooms.
- b) There shall be three (3) one-bedroom units with a minimum size of 738 square feet.
- c) There shall be six (6) one-bedroom units with a minimum size of 750 square feet.
- d) There shall be one (1) one-bedroom unit larger than 760 square feet.
- e) There shall be two (2) two bedroom units of a minimum size of 878 square feet.
- f) There shall be two (2) two-bedroom units of a minimum size of 891 square feet.
- g) There shall be a two-bedroom unit with a minimum size of 925 square feet.
- h) There shall be four (4) two-bedroom units of a minimum size of 941 square feet.
- i) There shall be three (3) two-bedroom units of a minimum size of 967 square feet.
- j) At least 16 units shall have a private outdoor amenity balcony or terrace for the exclusive enjoyment of the tenant.

Furthermore, at least 24 new bicycle storage spaces shall be provided in a sheltered and secure location. A total of 24 lockers for each rental unit will be provided in a secure location, at a minimum size of 15 square feet per locker. Each unit shall have ensuite laundry and central air conditioning and all tenants will have access to outdoor and indoor amenity areas on the same basis as the condominium residents and at no extra cost.

#### Tenant Relocation and Assistance Plan

The proposal goes beyond the minimum requirements of the *Residential Tenancies Act* by increasing the 4 months notice period for tenants to vacate to 5 months, and by providing additional financial assistance beyond the required payment equal to 3 months rent for tenants who are deemed eligible. This includes the moving out allowance, extra compensation on a sliding scale based on length of tenancy, and special assistance for tenants deemed to have special needs.

All tenants will have the right to return to a similar rental unit in the new building. Should they return, a standard feature of compensation approved by the City to mitigate hardship is a moving-in allowance to all eligible tenants. This is to be included in a Tenant Assistance and Relocation Plan to the satisfaction of the Chief Planner. The owner has agreed to most of the provisions of the Tenant Assistance and Relocation Plan, with some details and confirmations outstanding.

#### Rent Provisions

The 20 affordable rental units and 4 mid-range rental units will have rents secured according to the City's standard practices. Rents for tenants moving in during the first 10 years shall be no higher than the CMHC average market rent in the case of affordable rents, and no more than 1.5 times average market rent for the mid-range units. For returning tenants, the initial rents shall be based on their last rent paid with permitted annual rent guideline increases that would have otherwise occurred during the intervening period until the building is available for move-in, and a 4% increase representing a new building allowance.

Annual increases are limited to the provincial rent guideline increase, and above-guideline increases if applicable, during this first 10 year period. For any tenant who remains after the tenth year, these protections will continue until the earlier of when they move out or the 20<sup>th</sup> year of the new building's occupancy, followed by a 3 year phase-in to unrestricted market rent.

Commencing in the 11<sup>th</sup> year, any new tenants may be charged market rents, unrestricted by the owner's agreement with the City.

## **Conclusion**

The Ontario Municipal Board is holding its Order until, among other things, City Council approves the Section 111 Rental Housing and Demolition application. Staff is recommending that Council approve the demolition of 24 residential rental units conditional on the applicant providing the replacement rental housing and tenant assistance as outlined in this report, and entering a Section 111 agreement to the satisfaction of the Chief Planner to secure these conditions and which is consistent with the provisions of the Zoning By-law as approved by the Ontario Municipal Board, and consistent with the rental housing provisions of the Section 37 Agreement.

## **CONTACTS**

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## **SIGNATURE**

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Allen Appleby, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Draft Zoning By-law

**Attachment 1: Draft Zoning By-law**

**CITY OF TORONTO  
BY-LAW No. ~-2013**

**To amend the former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known in the year 2013 as 50 and 52 Neptune Drive**

**WHEREAS** the Ontario Municipal Board, by way of an Order issued on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, determined to amend the former City of North York Zoning By-law No. 7625, as amended, with respect to lands known municipally, in the year 2013, as 50 and 52 Neptune Drive;

**WHEREAS** authority is given to the Ontario Municipal Board under Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended; and

**WHEREAS** pursuant to Section 37 of the *Planning Act*, a By-law passed under Section 34 of the *Planning Act* may authorize increases in the height or density of development beyond that 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** 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 and matters; and

**WHEREAS** the owner of the lands known at the date of enactment of this By-law as 50 and 52 Neptune Drive (the "Lands") has elected to provide the facilities, services or matters as are set out in this By-law; and

**WHEREAS** the increase in height and density of development permitted under this By-law beyond that otherwise permitted on the Lands by Zoning By-law 7625, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the Lands and the City of Toronto; and

**THEREFORE** the Ontario Municipal Board orders that By-law No. 7625, as amended, of the former City of North York, is amended as follows:

1. Schedules "B" and "C" of By-law No. 7625 of the former City of North York are amended in accordance with Schedules "1" and "RM6(221)", and Map '1', attached to this By-law.
2. 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(XXX) RM6(221)**

### **DEFINITIONS**

(a) **APARTMENT HOUSE DWELLING**

For the purpose of this exception "apartment house dwelling" must mean a building containing more than four (4) dwelling units, each having access either from an internal corridor system or direct access at grade, or any combination thereof.

(b) **BICYCLE PARKING**

For the purpose of this exception, "bicycle parking" means an area below established grade or at grade that is designed and equipped with bicycle racks, bicycle stackers or lockers exclusively for the purpose of parking and securing bicycles, but is not intended for general storage use.

(c) **BICYCLE ROOM**

For the purpose of this exception, "bicycle room" means one of three common indoor spaces located on the first level of the parking garage in close proximity to the elevators and stairs, that is designed and equipped exclusively for the purpose of parking and securing bicycles.

(d) **ESTABLISHED GRADE**

For the purpose of this exception "established grade" means 184.10 metres Canadian Geodetic Datum.

(e) **GROSS FLOOR AREA**

For the purpose of this exception "gross floor area" means the total area of all of the enclosed floors in a building above or below grade measured from the outside of the exterior walls but excluding all motor vehicle areas within the building, including vehicular parking spaces, vehicular access to such spaces, loading docks and associated areas, and bicycle parking areas.

(f) **INDOOR RECREATIONAL AMENITY AREA**

For the purpose of this exception "indoor recreational amenity area" means an area set aside for social and/or recreational purposes such as indoor swimming pools, exercise or entertainment rooms, change rooms, library space, lounges, meeting or party rooms and other similar uses, which is common to all residents on the building.

(g) LANDSCAPING

For the purpose of this exception, "landscaping" means 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.

(h) MECHANICAL FLOOR AREA

For the purpose of this exception, "mechanical floor area" means 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 and elevator equipment.

(i) OUTDOOR RECREATIONAL AMENITY AREA

For the purpose of this exception, "outdoor recreational amenity area" means an area(s) set aside for social and/or recreational purposes such as playgrounds, outdoor swimming pools and seating areas, which is common to all residents of the building.

(j) PUBLICLY ACCESSIBLE OPEN SPACE

For the purpose of this exception, "publicly accessible open space" means space which is open and accessible to the public at all times.

(k) TEMPORARY SALES OFFICE

For the purpose of this exception, "temporary sales office" means an office located on the site in a temporary or existing building, structure, facility or trailer satisfactory to the City's Chief Planner used exclusively for the purpose of selling or leasing the residential dwelling units or the non-residential gross floor area to be erected within the site.

**PERMITTED USES**

(a) The only permitted uses shall be:

(i) apartment house dwellings, and accessory uses including recreational amenity areas; and

(ii) temporary sales office.

**EXCEPTION REGULATIONS**

**LOT AREA**

(a) The provisions of Section 20-A.2.1 (Lot Area) do not apply. The Lot Area of the lands identified on Schedule 1 is 2,815.9 square metres.

## **LOT COVERAGE**

- (b) The provisions of Section 20-A.2.2. (Lot Coverage) do not apply.

## **LOT FRONTAGE**

- (c) The provisions of Section 20-A.2.3. (Lot Frontage) do not apply. The Lot Frontage of the lands identified on Schedule RM6(221) is shown on Schedule 1.

## **YARD SETBACKS**

- (d) Notwithstanding Sections 20-A.2.4 (Yard Setbacks) of By-law 7625, the minimum yard setbacks for all buildings and structures above finished grade on the lands identified on Schedule 1 is shown on Schedule RM6(221).
- (e) The minimum yard setbacks shown on Schedule RM6(221) does not apply to canopies, window sills, railings, lighting fixtures, ornamental elements, transformer vaults, exterior stairways and stairway enclosures, wheelchair ramps and decks, ramps, pergolas and gazebos.
- (f) The minimum yard setbacks for structures below finished grade shall be 0 metres.

## **GROSS FLOOR AREA**

- (g) The provisions of Section 20-A.2.5 (Gross Floor Area) shall not apply.
- (h) A maximum gross floor area of 13,750 square metres shall be permitted on the lands identified on Schedule 1.

## **NUMBER OF DWELLING UNITS**

- (i) The maximum number of dwelling units is 161.

## **SIZE OF UNITS**

- (j) Of the maximum number of dwelling units permitted in the “RM6(221)” zone, on the lands identified on Schedule 1, a minimum of 5% of the units must have three or more bedrooms.
- (k) Of the maximum number of dwelling units permitted in the “RM6(221)” zone, on the lands identified on Schedule 1, a maximum of 8% of the units may be bachelor units, not including the rental dwelling units.
- (l) Of the maximum number of dwelling units permitted in the “RM6(221)” zone, on the lands identified on Schedule 1, the minimum floor areas of the dwelling units, not including the replacement rental dwelling units,

must be as follows:

Bachelor	A minimum of 41 square metres
1 Bedroom	A minimum of 49 square metres
1 Bedroom and Den	A minimum of 59 square metres
2 Bedroom	A minimum of 61 square metres
2 Bedroom and Den	A minimum of 68 square metres
3 Bedroom	A minimum of 70 square metres

### **BUILDING HEIGHT**

- (m) Notwithstanding Section 20-A.2.6 (Building Height) of By-law 7625, on the lands identified on Schedule 1, the maximum number of storeys above established grade and the maximum building height in metres for all buildings is shown on Schedule 1. The number of storeys and measurement of building height excludes mechanical penthouses, parapets, outdoor recreational amenity area, any roof structures used only as ornaments, stairwells to access the roof and stair enclosures.

### **LANDSCAPING**

- (n) The provisions of Section 15.8 (Landscaping) do not apply.

### **DISTANCE BETWEEN BUILDINGS AND/OR PORTIONS FORMING COURTS**

- (o) The provisions of Section 20-A.2.4.1 (Distance between Buildings and/or Portions of Buildings Forming Courts) do not apply.

### **RESIDENTIAL RECREATIONAL AMENITY AREA**

- (p) A minimum of 1.6 square metres per dwelling unit of indoor recreational amenity area must be provided for all residential units of the building.
- (q) A minimum of 2.5 square metres per dwelling unit of outdoor recreational amenity area must be provided for all residential units of the building.
- (r) A minimum of 88 square metres of outdoor recreational amenity area must be provided at grade for all residential units of the building.
- (s) A maximum of 330 square metres of outdoor residential recreational amenity area may be located on the roof top terrace for all residential units of the building, but cannot include a passive or otherwise inaccessible green roof.



## **PARKING**

- (t) All required parking must be provided within the lands shown on Schedule 1.
- (u) All required parking must be provided below established grade with the exception of surface parking spaces intended for short term parking and delivery which may be permitted on the lands shown on Schedule 1.
- (v) Notwithstanding Section 6A(2) (Parking Requirements) of By-law 7625, the minimum number of parking spaces is calculated as follows:
  - (i) Residential:
    - Bachelor – 0.7 space per dwelling unit;
    - 1-Bedroom – 0.8 spaces per dwelling unit;
    - 2-Bedroom – 0.9 spaces per dwelling unit;
    - 3 or more Bedrooms – 1.1 space per dwelling unit; and
    - Visitors – 0.15 spaces per dwelling unit.
  - (ii) of which Rental Replacement comprises: 18 spaces for the use of the residential rental replacement dwelling units
- (w) A maximum of 10 visitor parking spaces may be provided at grade within the lands shown on Schedule 1 and will include one universally accessible parking space.

## **BICYCLE PARKING**

- (x) Bicycle parking must be provided in three common bicycle rooms on the first floor of the parking garage, or at grade, on the lands shown on Schedule 1 as follows:
  - (i) 0.6 bicycle parking spaces per dwelling unit for residents;
  - (ii) 0.15 bicycle parking spaces per dwelling units for visitors;
  - (iii) A maximum of 6 visitor bicycle parking spaces and may be permitted at grade within the lands shown on Schedule 1.

## **LOADING**

- (y) Notwithstanding Section 6A(16) (Loading Requirements) of By-law 7625 do not apply and loading must be provided as follows:
  - (i) a minimum of one (1) Type G Loading Space must be provided on the lands shown on Schedule 1.

## **LAND DIVISION**

- (z) Notwithstanding any severance, partition or division of the site, the

regulations of this exception continue to apply to the whole of the site as if no severance, partition or division had occurred.

### **SECTION 37**

(aa) Pursuant to Section 37 of the Planning Act and subject to compliance with the provisions of this By-law, the increase in height and density of development on the lands is permitted in return for the election by the owner to provide the following facilities, services and matters to the City at the owner's sole expense, in accordance with an agreement or agreements, in a form satisfactory to the Chief Planner and Executive Director, City Planning Division and the City Solicitor and such agreement(s) shall be registered against title to the lands as outlined in heavy lines on Schedule "1" to secure the following facilities, services or matters:

- (i) The owner must make financial contributions to the City in the amount of TWO HUNDRED THOUSAND dollars (\$200,000.00), to be used towards capital projects in Ward 15, to the satisfaction of the Chief Planner in consultation with the Ward Councilor, which may include local parkland improvements and street enhancement projects, in the amount of TEN THOUSAND dollars (\$10,000), to be used towards public art. The financial contributions must be paid by certified cheque prior to the issuance of the first building permit above the established grade for the development as contemplated by this By-law,
- (ii) The above financial contributions shall be indexed to reflect any increases to the Statistics Canada Non-Residential Construction Price Index for Toronto, and calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City.
- (iii) The owner must provide and maintain on the site a minimum of twenty-four (24) new replacement rental dwelling units, comprising at least twenty (20) affordable rental replacement dwelling units and four (4) mid-range rental replacement dwelling units, which units must be of a similar size as the existing units on the site as of the date of this By-law, to the satisfaction of the City's Chief Planner and Executive Director, City Planning Division, and subject to the following:
  1. Twenty-four (24) rental dwelling units must be located on the site, comprised of twelve one-bedroom dwelling units, of which no more than two may have interior bedrooms, and, twelve (12) two-bedroom dwelling units.
  2. The twenty-four (24) rental dwelling units must be located within the building in contiguous groups of at least six (6).

3. At least 16 rental dwelling units must have a private outdoor amenity space for the exclusive use of the unit's residents.
4. The minimum floor areas of the rental dwelling units shall be as follows:
  - a. There must be two (2) one-bedroom dwelling units with a minimum size of 50.6 square metres, which may have interior bedrooms;
  - b. There must be two (2) one-bedroom dwelling units with a minimum size of 68.6 square metres;
  - c. There must be six (6) one-bedroom dwelling units with a minimum size of 69.7 square metres;
  - d. There must be one (1) one-bedroom dwelling unit with a minimum size of 70.6 square metres;
  - e. There must be two (2) two-bedroom units with a minimum size of 81.6 square metres;
  - f. There must be two (2) two-bedroom units with a minimum size of 82.8 square metres;
  - g. There must be one (1) two-bedroom unit with a minimum size of 85.9 square metres;
  - h. There must be four (4) two-bedroom units with a minimum size of 87.4 square metres;
  - i. There must be three (3) two-bedroom units with a minimum size of 89.6 square metres;
  - j. The combined floor area of the rental dwelling units shall be not less than 1,746.6 square metres; and
  - k. Tenants of the rental dwelling units must have access to all of the building facilities, including common amenity areas on the same basis as other residents of the building.
5. The replacement rental dwelling units must be maintained as rental units for at least twenty (20) years, beginning with the date that each unit is occupied and until the owner obtains approval for a zoning by-law amendment removing the requirement for the replacement rental units to be maintained as rental units. No application may be submitted for

condominium approval or for any other conversion to non-rental housing purposes, or for demolition without providing for replacement during the 20 year period.

6. The twenty-four (24) replacement rental dwelling units must be ready and available for occupancy no later than the date by which not more than ninety percent (90%) of the other dwelling units erected on the lot are available and ready for occupancy.
7. The affordable rental units shall be a unit mix of nine (9) one bedrooms and eleven (11) two bedrooms.
8. The owner must provide and maintain affordable rents charged to the tenants who rent each of the twenty (20) affordable rental replacement dwelling units during the first ten (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 over the course of the 10 year period, annual increases shall not exceed the Provincial Rent Guideline and, if applicable, permitted above-Guideline increases. Upon turn-over during the 10 year period, the rent charged to any new tenant shall not exceed an amount based on the initial rent, increased annually by the Provincial Rent Guideline, and any above-Guideline increase, if applicable.
9. The two (2) one bedroom rental units that have interior bedrooms may not exceed the affordable rent limit for bachelor units.
10. The mid-range units shall be a unit mix of 3 one bedrooms and 1 two bedroom.
11. The owner shall provide and maintain rents no greater than midrange rents charged to the tenants who rent each of the four (4) mid-range rental replacement dwelling units during the first ten (10) years of its occupancy, with mid-range rents on the same basis as paragraph 4 except that the maximum mid-range rent shall not exceed an amount that is 1.5 times average market rent by unit type. For clarity, these rents, inclusive of utilities, shall not exceed the maximum rent by type for the unit based on the midrange rent limit.
12. Rents charged to tenants occupying a replacement rental dwelling unit at the end of the 10-year period set forth in

paragraphs 4 and 5 and shall be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, so long as they continue to occupy their dwelling unit or until the expiry of the rental tenure period set forth in paragraph 10, with a subsequent phase-in period of a least three years for rent increases to unrestricted market rents. Rents charged to tenants newly occupying a replacement rental dwelling unit after the completion of the 10-year period set forth in paragraphs 4 and 5 and will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement.

- (iv) The owner must provide tenant relocation assistance to the tenants of the existing units at 50 and 52 Neptune Drive affected by the demolition to the satisfaction of the Chief Planner and Executive Director, City Planning Division. The owner must provide assistance that shall include at least: an extended notice period before having to vacate for demolition, other financial assistance with relocation beyond the amounts required by provincial legislation based on special needs and a sliding scale related to the length of tenancy for each tenant household, and the right to return to a rental replacement unit.
- (v) Prior to condominium registration, the owner shall authorize and permit public access to the publicly accessible open space shown on Map '1';
- (vi) The owner shall provide for integrated landscaping with the site known municipally in 2013 as 3636 Bathurst Street to the satisfaction of the City;
- (vii) The owner shall provide for integrated bicycle and pedestrian connectivity with the site known municipally in 2013 as 3636 Bathurst Street to the satisfaction of the City.
- (viii) The owner shall secure a surface easement in favour of the City of Toronto, for the lands designated publicly accessible open space on Map '1' attached hereto.
- (ix) The owner shall provide an easement in favour of the City of Toronto for public access between 50 and 52 Neptune Drive and the lands known municipally in 2013 as 3636 Bathurst Street to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
- (x) The owner shall provide public access (including barrier free

options) between the 50 and 52 Neptune Drive lands and the 3636 Bathurst Street lands across the publicly accessible open space. The design and grading of the open spaces on both properties will be coordinated.

- (bb) The owner agrees to enter into an agreement with the City pursuant to Section 37 of the Planning Act, to secure the provision of said facilities, services and matters, in a form satisfactory to the City's Solicitor as set forth in section (aa), with conditions providing for indexed escalation of financial contributions, no credit for development charges, termination and unwinding, and registration and priority of the agreement.
  - (cc) Notwithstanding any of the foregoing provisions, the owner and the City may modify or amend the said Section 37 agreement from time to time and, upon the consent of the City and the owner, without further amendment to those provisions of this By-law which indemnify the facilities, services and matters to be secured.
5. Section 64.20-A of By-law No. 7625 of the former City of North York is amended by adding Schedules "1" and "RM6(221)", and "Map "1" attached to this By-law.
6. Within the lands shown on Schedule "1" attached to this By-law and zoned "RM6(221)", 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.
  - (b) All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this ~ day of ~, A.D. 2013.

ROB FORD,

Mayor

ULLI S. WATKISS,

City Clerk

