

Authority: Etobicoke York Community Council Item
EY13.1, as adopted by City of Toronto Council on
February 26, 2020

CITY OF TORONTO

Bill 637

BY-LAW -2020

To amend former City of North York Zoning By-law 7625, as amended, with respect to the lands within the York University Secondary Plan Area.

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; and

Whereas The Official Plan of the City of Toronto contains, provisions relating to the authorization of increase in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, the Council of a municipality may, in a By-law passed under Section 34 of the Planning Act, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted by the By-law that will be permitted in return for the provision of such facilities, services and 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 and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set out; and

Whereas the increase in the height and density permitted herein, beyond that otherwise permitted on the aforesaid lands by the former City of North York 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, which are to be secured by one or more agreements between the owner of the land and the City of Toronto.

The Council of the City of Toronto enacts:

1. 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. Section 64 of By-law 7625 of the former City of North York is amended by adding the following Section:

"64.42 (2) YDMU- 3(2)

DEFINITIONS

For the purpose of this exception reference to Schedule 1, Schedule 2, Schedule YDMU-3(2) and Schedule A means those Schedules applicable to this exception and appended to By-law -2020 [Clerks to insert number] and the following definitions will apply:

- (a) "bedroom accommodation" means a bedroom forming part of a residence unit.
- (b) "bicycle parking space" means an area equipped with bicycle racks that is used for the purpose of parking and securing a bicycle, and "long-term" bicycle parking space and "short-term" bicycle parking space have the following meaning:
 - (i) "long-term" bicycle parking spaces are bicycle parking spaces for use by the occupants or tenants of a building, and shall be located within a building; and
 - (ii) "short-term" bicycle parking spaces are bicycle parking spaces for use by visitors to a building and shall be located in an at-grade bicycle parking area; and
 - (iii) a bicycle parking space for a residence unit in a multi-unit residential building will not be provided within a dwelling unit, on a balcony or in a storage locker.
- (c) "Building C3" and "Building C4" shall mean respectively Buildings C3 and C4 as shown on Schedule YDMU-3(2).
- (d) "grade" shall mean 200.2 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (1978 Southern Ontario Adjustment).
- (e) "private academic accommodations" shall mean that part of a mixed-use building containing residence units used exclusively for students enrolled in a post-secondary institution on York University's Keele Campus, which is either:
 - (i) owned or operated by the post-secondary education institution; or
 - (ii) operated by a third party under an agreement or lease from the post-secondary education institution requiring the premises to be operated as a student residence on behalf of the post-secondary education institution,and the mixed-use building provides access to the residence units only from an internal corridor system and contains no other use except at grade non-residential space.
- (f) "residence unit" means living accommodation in a private academic accommodation, and which is comprised of a dwelling unit or one or more bedroom accommodations, and which contains kitchen and sanitary facilities as well as common areas.

- (g) "stacked bicycle parking spaces" means a horizontal bicycle parking space that is positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces.

PERMITTED USES

- (h) Despite Section 42.1 (Permitted Uses) of By-law 7625, as amended, non-residential uses, including private recreational amenity areas, shall also include restaurants, retail stores, community centres, clubs, personal service shops, professional medical offices, professional offices, artist studios, art galleries, commercial galleries, dry cleaning and laundry collecting establishment, printing, financial institutions, fitness centres, office uses, outdoor cafés and take-out restaurants, and shall be permitted on the lands identified on Schedule 1.
- (i) Only non-residential uses shall be permitted on the ground floor of any building, except for accessory residential uses (including but not limited to residential lobby space, secure bicycle parking rooms, mail rooms, garbage/recycling rooms, mechanical rooms, utility rooms, exit stairs and corridors) and residential units shall be permitted on the ground floor of Building C4 provided they do not face a public street.
- (j) Only residential uses shall be permitted in the remaining above grade floors of the buildings and, despite Section 42.1 (Permitted Uses) of By-law 7625, as amended, the only permitted residential uses are private academic accommodations and residence units.

EXCEPTION REGULATIONS

GROSS FLOOR AREA

- (k) Despite Section 42.2.2 (Gross Floor Area) of By-law 7625, as amended:
- (i) the total combined gross floor area of all buildings on the lands designated as YDMU-3(2), as identified on Schedule YDMU-3(2), shall be a maximum of 28,000 square metres;
 - (ii) the maximum gross floor area of Building C3 shall be 10,000 square metres;
 - (iii) the maximum gross floor area of Building C4 shall be 18,000 square metres;
 - (iv) the minimum combined gross floor area of non-residential uses for Buildings C3 and C4 shall be 1,000 square metres;
 - (v) the maximum combined gross floor area of non-residential uses for Buildings C3 and C4 shall be 1,500 square metres;

- (vi) The maximum combined gross floor area of private academic accommodations within Buildings C3 and C4 shall be 26,500 square metres; and
- (vii) for Buildings C3 and C4, storage locker space and bicycle parking areas, located within a building but not within a dwelling unit shall be excluded from the calculation of gross floor area.

RESIDENCE UNITS AND BEDROOM ACCOMMODATIONS

- (l) The total number of residence units for Buildings C3 and C4 shall not exceed 445.
- (m) Building C3 shall have a maximum of 165 residence units.
- (n) Building C4 shall have a maximum of 285 residence units.
- (o) A maximum of 4 bedrooms per residence unit shall be permitted.
- (p) The minimum size of any residence unit on the lands identified on Schedule 1, shall be as follows:

Bachelor residence unit	24 square metres
1 bedroom residence unit	25 square metres
2 bedroom residence unit	42 square metres
3 bedroom residence unit	70 square metres
4 bedroom residence unit	95 square metres

BUILDING HEIGHT

- (q) The provisions of Section 42.2.3 (Height of Buildings or Structures) of By-law 7625, as amended, shall not apply on the lands designated as YDMU-3(2) on Schedule 1. Instead, the maximum building height for such lands shall not exceed either 8 storeys or the heights in metres measured from grade as set out in Schedule YDMU-3(2), whichever is the lesser, and no residential gross floor area or non-residential gross floor area shall be erected or used on the lands above a height of 26.0 metres above grade. For clarity, the 26.0 metre height limit shall not apply to mechanical penthouses.
- (r) The provisions of (q) above, shall not apply to prevent:
 - (i) mechanical penthouses, as well as screens or enclosures for related mechanical and/or electrical equipment, to a maximum of 5 metres in height;
 - (ii) roof structures used only as ornaments, enclosed or unenclosed stairways

to access the roof, window washing equipment, screens or enclosures, and elevator enclosures each to a maximum height of 3.0 metres;

- (iii) parapets and railings to a maximum height of 1.5 metres; and
- (iv) roof mounted mechanical equipment to a maximum height of 3.5 metres.

SEPARATION DISTANCES

- (s) The minimum horizontal facing distance between the windows of dwelling units of Buildings C3 and C4 will be 24.0 metres.

YARD SETBACKS

- (t) Despite Section 42.2.4 (Yard Setbacks) of By-law 7625, as amended, the minimum yard setbacks for all buildings and structures above grade shall be as shown on Schedule YDMU-3(2).
- (u) The minimum yard setbacks shown on Schedule YDMU-3(2), shall not apply to awnings, canopies, box windows or bay windows, window sills, railings, lighting fixtures, ornamental elements, transformer vaults, signs, retaining walls, exterior stairways and stairway enclosures, wheelchair ramps and decks, ramps, pergolas and gazebos.

PARKING

- (v) Despite Section 6(A)(2), 6A(4) and 6(A)(12)(a) and (b) of By-law 7625, as amended, and despite any severance, partition or division of the lands shown on Schedule 2, or additional structures thereon, a minimum of 52 parking spaces for permitted uses on the lands designated as YDMU-3(2), shall be provided within the lands shown on Schedule 2.
- (w) Parking for permitted uses within the lands designated as YDMU-3(2), as shown on Schedule 1, shall be provided within the lands shown on Schedule 2 in accordance with the following:
 - (i) a minimum of 0.083 parking spaces per residence unit;
 - (ii) parking spaces for non-residential uses shall be provided as follows:

restaurant, outdoor café, take-out facilities	0/100 square metres
community centres, art galleries, commercial galleries, fitness centre	0.5/100 square metres
retail stores, Personal service shops, professional offices, artist studios, dry cleaning establishments, laundry establishments, office	minimum of 1.0/100 square metres to a maximum of 4.0/100 square metres
professional medical office	1.5/100 square metres
financial institution	2.0/100 square metres
clubs	5.5/100 square metres

- (iii) where there is a change in use, or an alteration or addition to a building, on the lands shown on Schedules 1 or 2, the required parking shall be recalculated in accordance with subsections (v) and (w) and if the total number of parking spaces required to be provided is not available, the change in use, alteration or addition shall not be permitted.

BICYCLE PARKING

- (x) Bicycle parking shall be provided on the lands designated as YDMU-3(2), in accordance with the following:
- (i) residential long term parking – 0.68 bicycle parking spaces/residence unit;
 - (ii) residential short term parking - 0.07 bicycle parking spaces/residence unit;
 - (iii) non-residential long term parking - a minimum of 3 bicycle parking spaces for the buildings combined; and
 - (iv) non-residential short term parking - a minimum of 6 bicycle parking spaces.
- (y) The minimum dimension of a bicycle parking space is:
- (i) minimum length of 1.8 metres;
 - (ii) minimum width of 0.6 metres; and
 - (iii) minimum vertical clearance from the ground of 1.9 metres.
- (z) The minimum dimension of a bicycle parking space if placed in a vertical position

on a wall, structure or mechanical device is:

- (i) minimum length or vertical clearance of 1.9 metres;
 - (ii) minimum width of 0.6 metres; and
 - (iii) minimum horizontal clearance from the wall of 1.2 metres.
- (aa) If a stacked bicycle parking space is provided:
- (i) the minimum vertical clearance for each bicycle parking space is 1.2 metres;
 - (ii) an area used to provide bicycle parking spaces must have a minimum vertical clearance of: 2.4 metres if it is a stacked bicycle parking space and 1.9 metres in all other cases; and
 - (iii) a long-term bicycle parking space may be located in a stacked bicycle parking space.
- (bb) A long term residential bicycle parking space required may be provided within either Building C3 or C4, provided that a minimum of 40 percent of the total required long term residential bicycle parking for each building is provided within that building.

LOADING

- (cc) The provisions of Section 6A(16)(Loading Requirements) of By-law 7625, as amended, shall not apply and loading shall be provided as follows:
- (i) a minimum of one (1) type G loading space shall be provided for Building C3;
 - (ii) a minimum of one (1) type G loading space shall be provided for Building C4; and
 - (iii) a type G loading space may have minimum dimensions of 13.0 metres long by 4.0 metres wide and 6.1 metres high.

RECREATIONAL AMENITY AREA

- (dd) The total combined residential amenity area for Buildings C3 and C4 shall be provided in accordance with the following:
- (i) a minimum of 3.5 square metres indoor recreational amenity area per residence unit, of which a minimum of two common amenity rooms shall be provided per floor on levels 1 to 6 of Buildings C3 and C4, while one common amenity room shall be provided per floor on levels 7 and 8 of Buildings C3 and C4;

- (ii) a minimum of 3.5 square metres of outdoor recreational amenity area per residence unit;
- (iii) despite any definition of residential amenity area in By-law 7625, as amended, any indoor recreational amenity area or outdoor recreational amenity area provided on the lands shown on Schedule 1, shall be accessible by the residents of any building erected on the lands shown on Schedule 1; and
- (iv) the lands between Buildings C3 and C4 that would form part of a future right-of-way as shown on Schedule YDMU-3(2), shall not be included in the calculation of outdoor recreational amenity area.

RETAIL FRONTAGE

- (ee) Residence units shall not be permitted at grade adjacent to The Pond Road, Street F (extension of Leitch Avenue) and Street D (extension of Haynes Avenue) as shown on Schedule YDMU3(2). At grade retail uses adjacent to Street D and Street F shall be subject to a minimum depth of 15 metres inclusive of up to 2 metres for service corridors.
- (ff) At grade retail uses adjacent to The Pond Road shall be subject to a minimum depth of 8 metres inclusive of up to 2 metres for service corridors.

LAND DIVISION

- (gg) Despite any severance or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the lands as if it remained one lot.

SECTION 37

- (hh) Pursuant to Section 37 of the Planning Act, and subject to compliance with this exception, the increase in height and density of the development beyond that otherwise permitted on the lands shown on Schedule YDMU-3(2) in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Schedule A and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act, that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
- (ii) Where Schedule A requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same;
- (jj) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this exception unless all provisions of Schedule A are satisfied."

3. 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:
- (i) 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
 - (ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

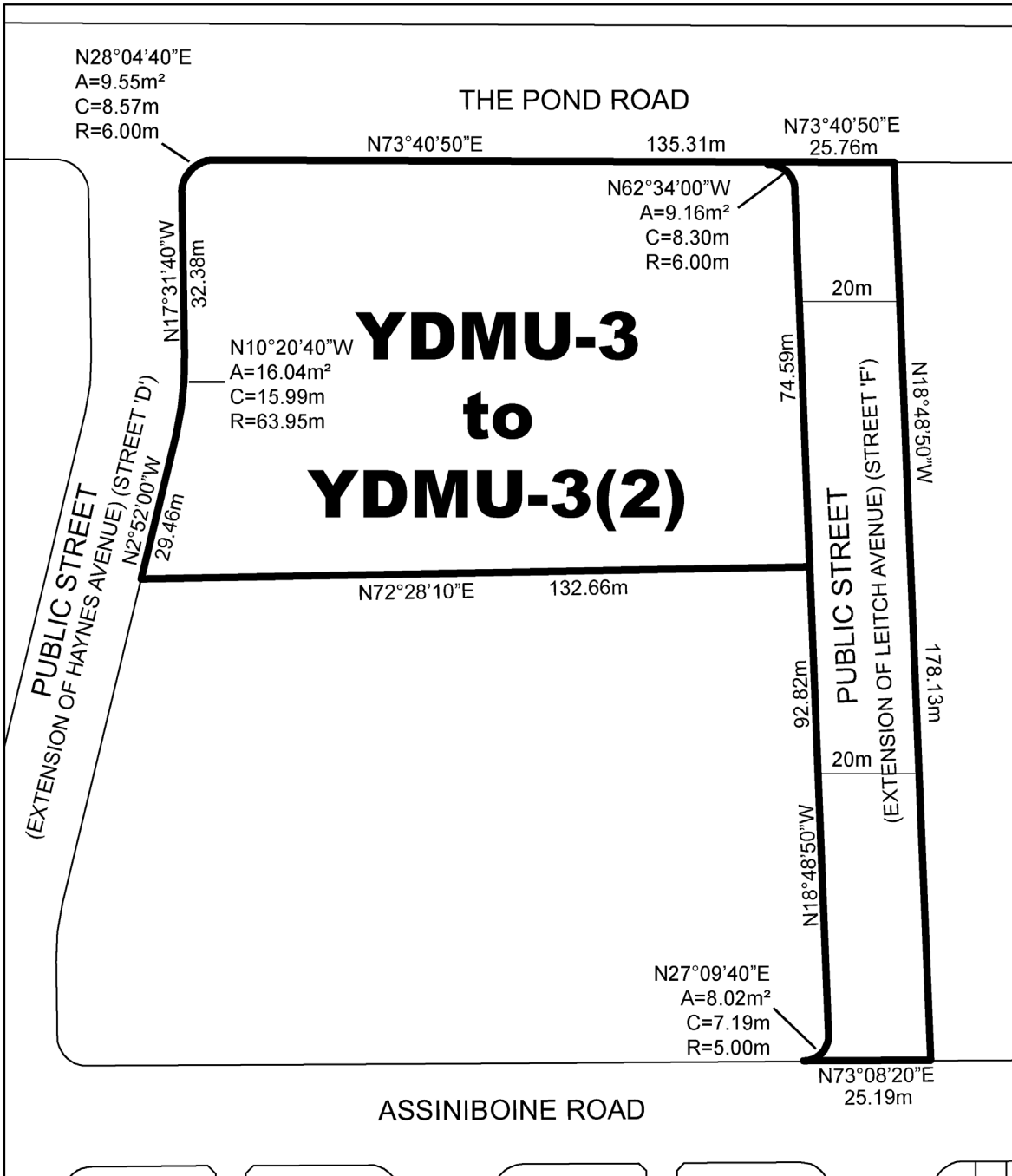
Despite(i) and (ii) above, Buildings C3 and C4 can be erected and used upon the lands within Schedule 1 attached to this By-law, provided they have satisfactory access to The Pond Road , and satisfactory watermains and sanitary sewers, all to the satisfaction of the Executive Director, Engineering and Construction Services.

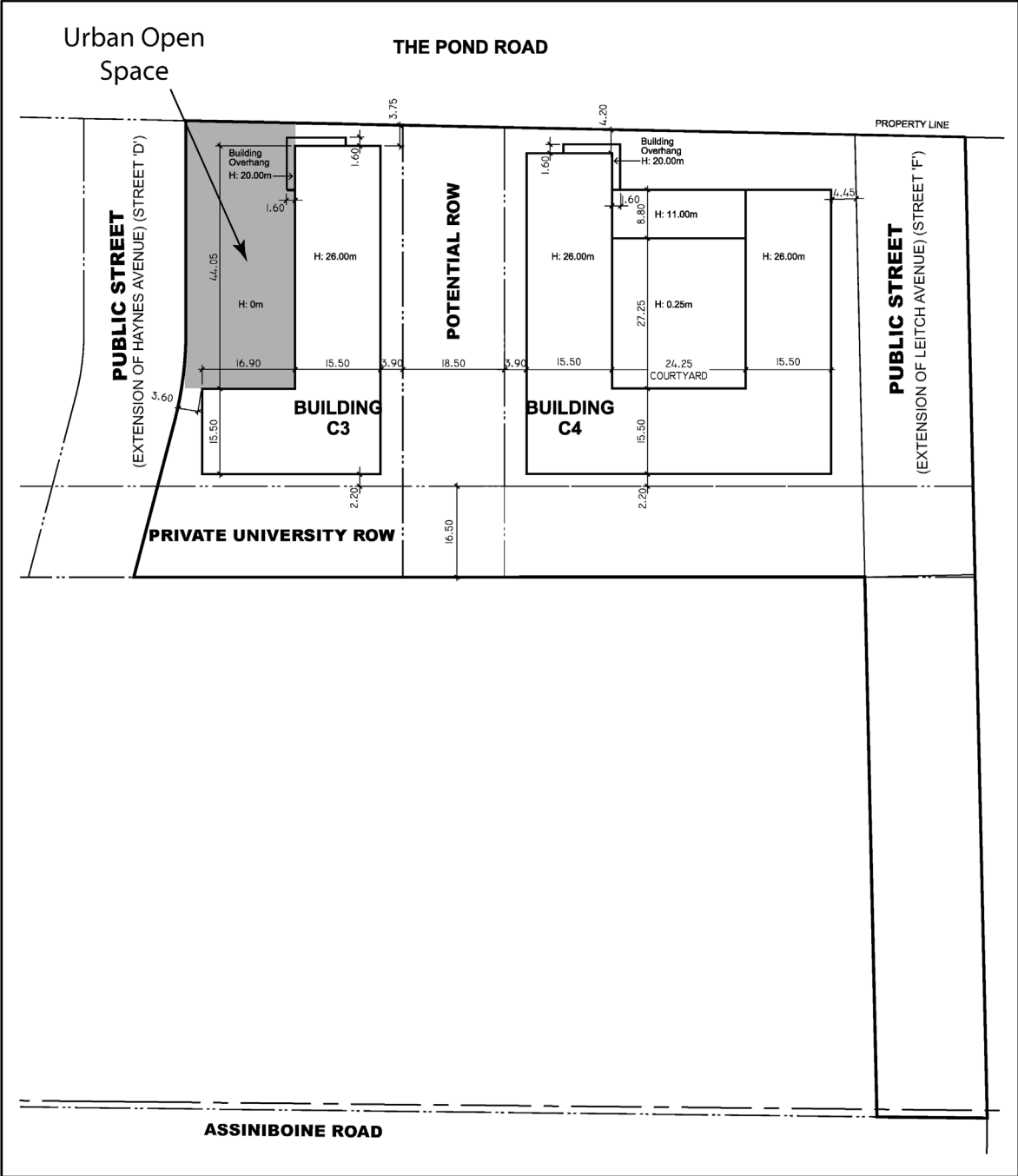
Enacted and passed on July , 2020.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



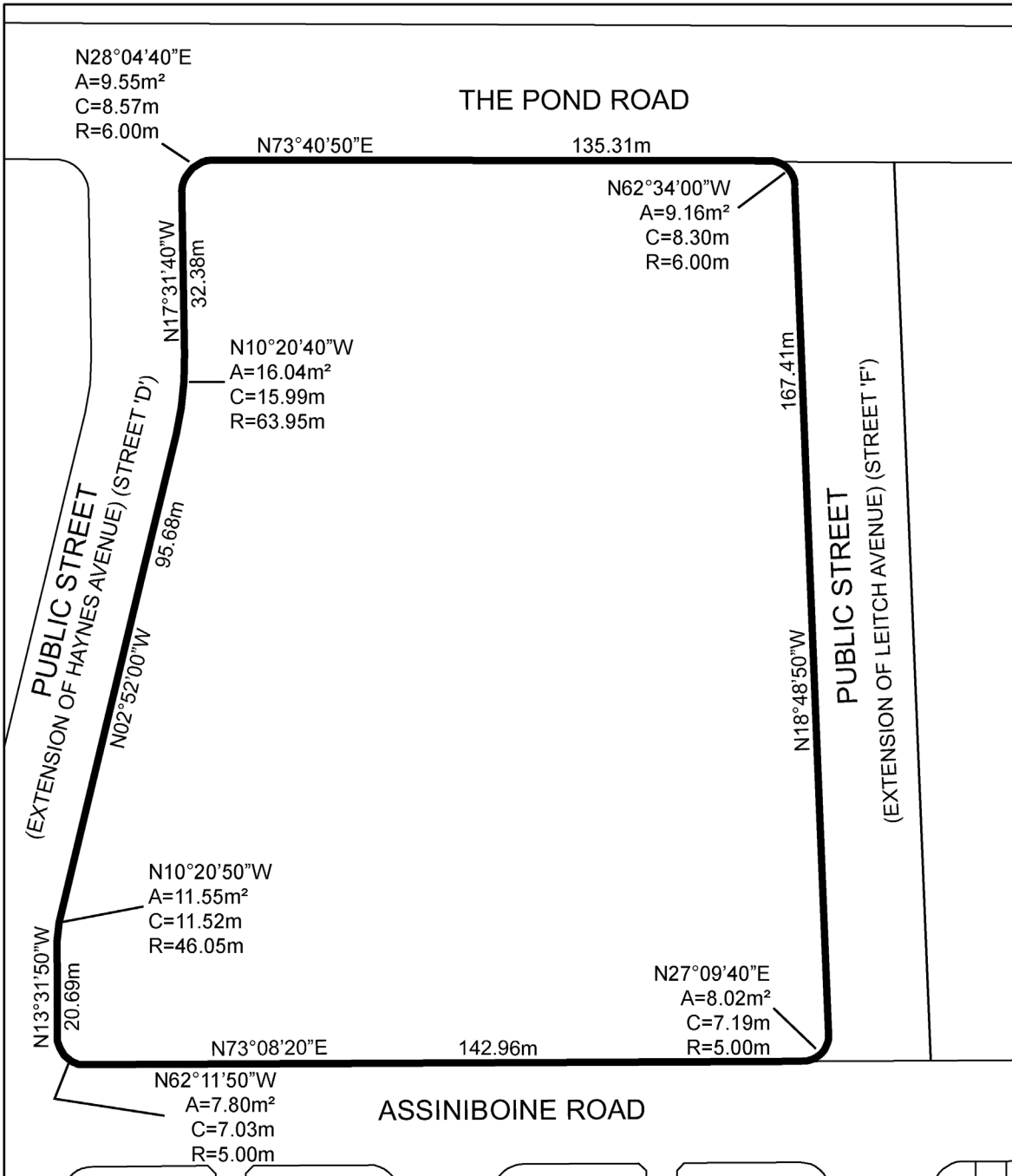


 **Toronto**
 Schedule YDMU-3(2)

4700 Keele Street

File # 18 266532 NET 07 0Z


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 Former North York By-law 7625
 Not to Scale
 07/15/2020



 **TORONTO**
Schedule 2

4700 Keele Street

File # 18 266532 NET 07 0Z


Former North York By-law 7625
Not to Scale
07/15/2020

Schedule 'A'
Section 37

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands shown on Schedule YDMU3(2) of this By-law relating to the exception set out in Section 2 of this By-law, and secured in and subject to, an agreement or agreements under subsection 37(3) of the Planning Act whereby the owner agrees as follows:

Financial Contribution

- (a) Prior to the issuance of the first above grade building permit, the owner shall make a financial contribution to the City in the amount of one million five hundred thousand dollars (\$1,500,000 CAN) to be used for local park improvements to be determined by the Director, Community Planning, Etobicoke York District in consultation with the Ward Councillor.
- (b) The amount of the financial contribution referred to in Clause (a) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment.
- (c) In the event the financial contribution referred to in Clause (a) above has not been used for the intended purposes within three (3) years of this By-law coming into force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the Ward where the lands are located.

Public Art

- (d) Prior to the issuance of the first above-grade building permit, a letter of credit shall be submitted, in the City's standard form in the amount of five hundred thousand dollars (\$500,000 CAN) to secure for public art on the lands to the satisfaction of the Chief Planner and Executive Director, City Planning Division. The owner shall submit a Public Art Plan that is in accordance with the City's Percent for Public Art Program to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the terms of the Percent for Public Art Program shall be set out in the Section 37 Agreement, also to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

Affordable Rental Housing

- (e) The owner shall provide a minimum of 7.4 percent of the private academic accommodations in Buildings C3 and C4 as affordable rental housing in accordance with the following provisions on terms and conditions to be further set out in the Section 37 Agreement with the City and to the satisfaction of the Chief Planner and Executive Director, City Planning Division:

- (i) the affordable rental housing will comprise a minimum of 7.4 percent of the bedroom accommodation within a range of residence unit types comprising bachelor, 1, 2, 3 and 4 bedrooms.
 - (ii) the owner will maintain the affordable bedroom accommodations in Buildings C3 and C4 as rental housing, and agrees that none of the rental housing will form part of an application for condominium registration for at least fifteen (15) years from the date upon which the first new residence unit is occupied.
 - (iii) affordable rents will be charged to the tenants who occupy one of the affordable bedroom accommodations for a period of fifteen (15) years following the initial occupancy of each of Buildings C3 and C4, providing that the affordable rental bedroom accommodations commence occupancy at the same time, subject to the provisions in Clause (e)(iv) and (e)(v) below.
 - (iv) the affordable rents will be based on an average rent level derived from an average rent for comparable existing student residence accommodations on the York University campus for the academic year in which the affordable rental bedroom accommodations will be occupied, adjusted further to reflect differences in lease terms and arrangements for television services in the private academic accommodations, and varied by residence unit type and to reflect single or shared bedroom accommodations.
 - (v) after the expiry of the fifteen (15) year period, rents charged to tenants newly occupying one of the affordable rental bedroom accommodations will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement entered into under this By-law.
 - (vi) eligibility criteria for students who rent one of the affordable rental bedroom accommodations will require that such student is receiving financial assistance under the Ontario Student Assistance Program.
 - (vii) the residence units which contain affordable rental bedroom accommodations shall be furnished and equipped with kitchen and bathroom facilities.
- (f) The following matters will also be secured in support of the development on the lands:

Publicly Accessible Open Space

- (i) the applicant shall construct and maintain an area of not less than 740 square metres at grade for use by the general public as publicly accessible open space at the northwest corner of the site in a location generally identified Schedule YDMU-3(2) of this By-law, on terms and conditions to be set out in the Section 37 Agreement, including maintenance, operations, insurance and indemnity obligations, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, with the specific configuration and design of the public space to be determined and secured through the Site Plan Control application approval

process to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.

Toronto Green Standard

- (ii) the applicant shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, Version 3.

Municipal Infrastructure

- (iii) prior to issuance of the first above grade building permit for Building C4, the owner shall financially secure all municipal infrastructure and servicing obligations, enter into a subdivision agreement and register the phase of the approved draft plan of subdivision corresponding to Buildings C3 and C4 together with the extension of Leitch Avenue between The Pond Road and Assiniboine Road as shown on Schedule 2 of this By-law, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.