

Authority: North York Community Council Item 10.28, as adopted by City of Toronto Council on November 19 and 20, 2007 and North York Community Council Item 13.21, as adopted by City of Toronto Council on March 3, 4 and 5, 2008
Enacted by Council: January 28, 2009

CITY OF TORONTO

BY-LAW No. 95-2009

To amend former City of North York Zoning By-law No. 7625, as amended, with respect to lands municipally known as 20 Graydon Hall Drive.

WHEREAS authority is given to Council by Sections 34 and 37 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 pursuant to Section 37(1) 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 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 owners of the lands hereinafter referred to have elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increase in the density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands 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 owners of such lands and the City of Toronto; and

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

1. By-law No. 739-2004 is hereby repealed and Section 64.20-A(40) of By-law No. 7625 of the former City of North York is deleted in its entirety and replaced with the following:

“64.20 –A (40) RM6(40)

DEFINITIONS

- (a) For the purpose of this exception, “apartment house dwelling” shall mean a building containing more than four (4) dwelling units, each unit having access either from an internal corridor system or direct access at grade, or any combination thereof.
- (b) For the purposes of this exception, “established grade” is defined as 147 metres Canadian Geodetic Datum.

- (c) For the purposes of the exception, “convenience store” shall mean a retail store primarily serving the daily needs of patrons and which is devoted to the sale of a variety of products including such items as grocery items, confectionary, household products, tobacco, sundries, magazines and newspapers, whereby the purchase of such products does not involve extensive comparison shopping and the number of items purchased is usually ten or less.
- (d) For the purpose of this exception, “gross floor area” shall mean the total area of all of the floors in a building, measured between the outside walls of the building but excluding motor vehicle access, circulation or parking areas within the building.
- (e) For the purposes of this exception, the existing apartment house dwelling building shall be defined as “Building “A” and the proposed apartment house dwelling as “Building “B”, and the two multiple attached dwellings as “Building “C” and “Building “D”, as shown on Schedule RM6(40).

PERMITTED USES

- (f) As shown on Schedule RM6(40), the only permitted uses shall be:
 - (i) Apartment House Dwellings and uses accessory thereto, including administrative offices associated with the dwelling units and recreational amenity areas;
 - (ii) Multiple Attached Dwellings; and
 - (iii) Convenience Store.
- (g) Use Qualifications
 - (i) Outdoor private recreational amenity areas may be located on rooftop terraces; and
 - (ii) The permitted Convenience Store use shall be located on the ground floor of Building “A” only.

EXCEPTION REGULATIONS

GROSS FLOOR AREA

- (h) The provisions of Section 20-A.2.5 (Gross Floor Area) shall not apply.
- (i) The maximum gross floor area for Building “A” shall be 34,500 square metres.
- (j) The maximum gross floor area for Buildings “B”, “C”, and “D”, cumulatively, shall be 28,450 square metres.

LOT COVERAGE

- (k) The provisions of Sections 16.2.2 and 20-A.2.2 (Lot Coverage) shall not apply.

BUILDING HEIGHT

- (l) The provisions of Section 20-A.2.6 (Building Height) shall not apply.
- (m) The maximum building heights and number of storeys shall not exceed the maximum heights in metres and number of storeys shown on Schedule RM6(40).
- (n) A penthouse or other roof structure which is used only as an ornament or to house the mechanical equipment of the building does not constitute a storey and shall be disregarded in calculating the height of the building.

BUILDING ENVELOPES

- (o) The following Building Envelope provisions shall apply:
 - (i) All buildings and structures located 2 metres or greater above established grade shall be located wholly within the building envelopes as identified and set out on Schedule RM6(40) as Building “A”, Building “B”, Building “C” and Building “D”.

LANDSCAPING

- (p) The provisions of Section 15.8 (Landscaping) shall not apply.

DISTANCE BETWEEN BUILDINGS

- (q) The provisions of Section 16.3.2 (Distance Between Buildings) and Section 20-A.2.4.1 (Distance Between Buildings and/or Portions of Buildings Forming Courts) shall not apply.
- (r) The minimum distance between all buildings and structures shall be as set out on Schedule RM6(40).

LOT AREA

- (s) The provisions of Sections 16.2.1 and 20-A.2.1 (Lot Area) shall not apply.

FRONTAGE

- (t) The provisions of Sections 16.2.3 (Street Frontage) and 20-A.2.3 (Lot Frontage) shall not apply.

FLOOR AREA

- (u) The provision of Section 16.2.5 (Floor Area) shall not apply.

YARD SETBACKS

- (v) The provisions of Section 20-A.2.4 (Yard Setbacks) shall not apply.
- (w) The minimum yard setbacks for all buildings and structures shall be as set out on Schedule RM6(40).

PARKING

- (x) The provisions of Section 6(A)(2)(a) (Parking Requirements) shall not apply.
- (y) The following parking rate shall apply to Building “A”:
 - (i) a minimum of 1.125 parking spaces per existing apartment dwelling unit including those for visitors;
- (z) The following parking rate shall apply to Buildings “B”, “C” and “D”:
 - (i) a minimum of 1.3 parking spaces per apartment house dwelling unit and per multiple attached dwelling unit, of which, 0.2 parking spaces per unit shall be for the use of visitors.

LOADING SPACES

- (aa) The provisions of Section 6A(16)(a)(ii) (Loading Spaces Required) shall not apply.
- (bb) A minimum of one Loading Space shall be required for Building “B”. No loading space is required for Buildings “A”, “C”, and “D”.

DIVISION OF LANDS

- (cc) Notwithstanding any severance or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the lands.

OTHER

- (dd) The maximum floor area of the convenience store shall be 41 square metres.
- (ee) No external signage shall be permitted advertising the convenience store.
- (ff) The regulations of this exception shall supersede the provisions and regulations of By-law Nos. 20293, 19830 and 19038 as were applicable to the lands shown on Schedule RM6(40) but shall not apply to or affect the balance of the By-law Nos. 20293, 19830 and 19038 lands for the purposes of zoning conformity.

- (gg) Within the lands shown on Schedule RM6(40) 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.

SECTION 37 AGREEMENT

- (hh) The owner of the lands as shown in Schedule RM6(40) shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure at the owner's expense, the facilities, services and matters referred to below, which agreement or agreements may be registered against the title of the lands, in whole or in part, as may be applicable to which this by-law applies in the manner and to the extent specified in the agreements. The owner of the subject lands, at the owner's expense and in accordance with, and subject to the agreements referred to above, shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto, in order to permit the increase in gross floor area and height authorized under this exception regulation:
- (i) provision of a cash contribution to the City in the amount of \$400,000.00 with:
 - (a) \$200,000.00 to be directed for improvements to the O'Connor House, that is part of Senator O'Connor College School, with an appropriate agreement being executed with the Toronto Catholic District School Board and that these funds be dedicated to the capital improvement of the O'Connor House; and
 - (b) \$200,000.00 to be directed towards improvements at Graydon Hall Park to the satisfaction of the General Manager of Parks, Forestry and Recreation, such contribution to be made prior to the issuance of any building permits for Buildings "B", "C" or "D";
 - (ii) provision and maintenance of a fully finished, furnished and equipped indoor amenity room having a minimum floor area of 131 square metres either within or as an addition to Building "A" for use by the residents of the existing building, such space to be completed and ready for use prior to the issuance of any above-grade building permits for Buildings "B", "C", or "D";
 - (iii) prior to the issuance of draft plan of condominium approval for Building "B", "C" or "D", the one-storey portion of the existing rental apartment building shall be demolished. Prior to the issuance of draft plan of condominium approval for Building "B", "C" or "D", an outdoor children's playground facility shall be constructed along Graydon Hall Drive, equipped and maintained to the satisfaction of the Director, Community Planning, North District, having a

minimum area of 344 m² (3,700 sq.ft.) with no pass through of related costs to the tenants;

- (iv) construction of a new pedestrian sidewalk that connects the municipal sidewalk on Graydon Hall Drive to the main entrance of the Building “A”;
 - (v) street tree planting along the Graydon Hall Drive and Don Mills Road frontages of the property;
 - (vi) the above noted facilities, services and/or matters shall be provided with no pass through of related costs to the tenants of Building “A”;
 - (vii) no application be submitted for condominium conversion in respect of Building “A” pursuant to the *Condominium Act S.O. 1998, c.19*, as amended, for a minimum period of 15 years from the date after this By-law comes into full force and effect; and
 - (viii) Building “A” not be demolished and no application for a demolition permit in respect of Building “A” be made for a minimum period of 20 years from the date after this By-law comes into full force and effect;
 - (ix) Building permit issuance for the proposed development shall be dependant upon satisfaction of the provisions contained in this zoning by-law amendment and the provisions contained in the Section 37 Agreement(s) relating to building permit issuance, including the payment of the amounts noted above to the City of Toronto; and
 - (x) The agreement(s) with the City of Toronto pursuant to Section 37 of the *Planning Act, R.S.O. 1990, c.P. 13*, as amended, shall be registered on title to the lands, in whole or in part, as may be applicable to which this exception applies prior to the issuance of any building permit for the proposed development.”
2. Section 64.20-A of By-law No. 7625 is amended by adding Schedule RM6(40) attached to this by-law.

ENACTED AND PASSED this 28th day of January, A.D. 2009.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

