

CITY OF TORONTO

BY-LAW No. 342-2011(OMB)

To amend the former City of North York Zoning By-law No. 7625, as amended, with respect to lands municipally known as 939 Lawrence Avenue East, 1030 and 1090 Don Mills Road and 49 and 75 The Donway West.

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

WHEREAS the Ontario Municipal Board, pursuant to its Decision/Order dated March 2, 2011 has determined to amend By-law No. 7625 of the former City of North York;

THEREFORE:

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 64.20-A of By-law No. 7625 is amended by adding the following subsection:

"64.20-A(197) RM6(197)

DEFINITIONS

- (a) For the purpose of this exception, "gross floor area" shall mean 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 spaces within the building, including vehicular parking spaces, vehicular access to such spaces, loading docks and associated areas, and bicycle parking areas.
- (b) For the purpose of this exception, "Parcel 1" means the parcel of land shown as Parcel 1 on Schedule RM6(197).
- (c) For the purpose of this exception, "Parcel 2" means the parcel of land shown as Parcel 2 on Schedule RM6(197).
- (d) For the purpose of this exception, "Parcel 3" means the parcel of land shown as Parcel 3 on Schedule RM6(197).
- (e) For the purpose of this exception, "Parcel 4" means the parcel of land shown as Parcel 4 on Schedule RM6(197).
- (f) For the purpose of this exception, "established grade" shall mean:
 - (i) the geodetic elevation of 147.38 metres in relation to buildings located within Parcel 1;
 - (ii) the geodetic elevation of 147.57 metres in relation to buildings located within Parcel 2; and

- (iii) the geodetic elevation of 147.51 metres in relation to buildings located within Parcels 3 and 4.
- (g) For the purpose of this exception, "retirement unit" shall mean a separate set of living quarters, having access only from an internal corridor system, that includes at least one room and separate sanitary conveniences but does not include a full kitchen.
- (h) For the purpose of this exception, "seniors' apartment house dwelling" shall mean an apartment house dwelling designed and intended for senior citizens capable of independent living, and offering supportive housing services, such as meals and homemaking services.
- (i) For the purpose of this exception, "retirement residence" shall mean a building containing more than four (4) retirement units, which building shall be designed and intended for senior citizens requiring assisted living services and shall include a common dining facility available to all residents on a daily basis.
- (j) For the purpose of this exception, "owner" shall mean the owner or owners of Parcels 1, 2, 3 and 4, but shall not include the City of Toronto.

PERMITTED USES

- (k) The only permitted uses on Parcel 1 shall be:
 - (i) apartment house dwellings, and uses accessory thereto;
 - (ii) a retirement residence, and uses accessory thereto;
 - (iii) seniors' apartment house dwellings, and uses accessory thereto;
 - (iv) an underground commercial and residential parking garage; and
 - (v) all uses permitted in the District Shopping Centre Zone (C3).
- (l) The only permitted uses on Parcels 2, 3 and 4 shall be:
 - (i) apartment house dwellings and uses accessory thereto;
 - (ii) underground commercial and residential parking garages;
 - (iii) all uses permitted in the District Shopping Centre Zone (C3); and
 - (iv) an existing arena on Parcel 4, until such time as the lands are redeveloped for the purposes set out in (i), (ii) and (iii) above.

(m) Use Qualifications

- (i) C3 uses shall be restricted to the first two storeys of buildings.

EXCEPTION REGULATIONS

GROSS FLOOR AREA

- (n) The maximum gross floor area permitted on Parcel 1 shall be 24,350 square metres, of which a maximum of 250 square metres may be for uses permitted in a C3 zone.
- (o) The maximum gross floor area permitted on Parcel 2 shall be 82,950 square metres, of which a maximum of 3,500 square metres may be for uses permitted in a C3 zone.
- (p) The maximum gross floor area permitted on Parcel 3 shall be 18,000 square metres, of which a maximum of 950 square metres may be for uses permitted in a C3 zone.
- (q) The maximum gross floor area permitted on Parcel 4 shall be 33,400 square metres, of which a maximum of 2,500 square metres may be for uses permitted in a C3 zone.
- (r) The maximum gross floor areas permitted for each parcel by subsections (n), (o), (p) and (q) may be increased by up to 10%, provided that the overall gross floor area does not exceed 158,700 square metres.

MAXIMUM UNITS

- (s) The cumulative number of dwelling units and retirement units on the whole of Parcels 1, 2, 3 and 4 shall not exceed 2,050.

BUILDING HEIGHT

- (t) Building heights on Parcels 1, 2, 3 and 4 shall not exceed the maximums in metres shown on Schedule RM6(197), measured from established grade. The measurement of building height shall exclude mechanical penthouses, parapets, indoor recreational amenity area, any roof structures used only as ornaments, and stairwells to access the roof, provided that:
- (i) the additional height permitted for a cooling tower does not exceed 8.0 metres;
- (ii) the additional height permitted for all other rooftop structures does not exceed 6.0 metres;

- (iii) except as provided in subsection (iv) below, on buildings with a height of 36.0 metres or more, indoor recreational amenity area on the roof shall provide access to outdoor recreational amenity area located on the rooftop and shall have a maximum gross floor area of 100 square metres and be set back a minimum of 3.0 metres from the edge of the roof; and
- (iv) for the building at 75 The Donway West, indoor recreational amenity area on the roof shall have a maximum gross floor area of 230 square metres and be set back a minimum of 2.0 metres from the edge of the roof.
- (u) Notwithstanding subsection (t), the maximum permitted height shown on Schedule RM6(197) shall be increased if the height of the first floor exceeds 4.5 metres and the first floor is used for C3 uses or indoor recreational amenity area or if the height of the second floor exceeds 3.0 metres and the second floor is used for C3 uses or indoor recreational amenity area, or both, in accordance with the following:
 - (i) the maximum permitted height shall be increased by the lesser of 3.0 metres or the amount equivalent to the additional height of the first floor in excess of 4.5 metres; and
 - (ii) the maximum permitted height shall be increased by the lesser of 2.0 metres or the amount equivalent to the additional height of the second floor in excess of 3.0 metres.

NUMBER OF STOREYS

- (v) The number of storeys above established grade on Parcels 1, 2, 3 and 4 shall not exceed the maximums shown on Schedule RM6(197). The measurement of storeys shall exclude mechanical penthouses, parapets, indoor recreational amenity area, any roof structures used only as ornaments, and stairwells to access the roof.

BUILDING ENVELOPES

- (w) No portion of any building erected above established grade within Parcels 1, 2, 3 or 4 shall be located otherwise than within the building envelopes shown on Schedule RM6(197), except for the following:
 - (i) belt courses, cornices, eaves or gutters, pilasters and sills, which may project 1.0 metres beyond building envelopes into yard setbacks;
 - (ii) balconies, which may project up to 2.5 metres beyond building envelopes into yard setbacks;
 - (iii) canopies and awnings, which may project up to 3.5 metres beyond building envelopes into yard setbacks;

- (iv) front porches and steps, which may project up to 2.5 metres beyond building envelopes into yard setbacks; and
- (v) lighting fixtures, trellises, guardrails, railings, stairs, stair enclosures, wheelchair ramps, underground garage ramps and landscape and public art features.
- (x) The maximum tower floorplate for portions of Buildings B2 and G as shown on Schedule RM6(197) in excess of 26.0 metres in height shall be 825 square metres gross floor area.

YARD SETBACKS

- (y) Subject to the permitted projections listed in subsection (w) of this exception, the minimum yard setbacks shall be as shown on Schedule RM6(197), for buildings located on Parcels 1, 2, 3 and 4.

INDOOR RECREATIONAL AMENITY AREA

- (z) A minimum of 1.0 square metre per dwelling unit of indoor recreational amenity area shall be provided for the buildings located on Parcel 1, which shall be shared and may be located partly or wholly in either building.
- (aa) A minimum of 1.0 square metre per dwelling unit of indoor recreational amenity area shall be provided within each of the buildings located on Parcels 2, 3 and 4.

PARKING

- (bb) The provisions of Sections 6A(3) and 6A(4) of By-law No. 7625, as amended, shall not apply.
- (cc) Parking spaces shall be provided in accordance with the following requirements:

Commercial Parking

- (i) A minimum of 1.0 space for each 20 square metres of gross floor area for uses permitted in a C3 zone.

Residential – Apartment House Dwelling Parking

- (ii) A minimum of 1.0 parking space per dwelling unit and a maximum of 1.4 parking spaces per dwelling unit, plus 0.2 visitor parking spaces per unit.

Residential – Seniors' Apartment House Dwelling Parking

- (iii) A minimum of 0.6 parking spaces per dwelling unit and a maximum of 1.0 parking space per dwelling unit within the building, plus 0.2 visitor parking spaces per unit.

Residential – Retirement Residence Parking

- (iv) A minimum of 0.2 parking spaces per retirement unit and a maximum of 0.4 parking spaces per retirement unit within the building, plus 0.2 visitor parking spaces per unit.

Shared Parking

- (v) Residential visitor parking required pursuant to subsection (ii), (iii) and (iv) above will be shared with commercial parking required pursuant to subsection (i) above, provided that the total amount of parking required for residential visitors and commercial uses shall be the greater of the total number of residential visitor parking spaces required pursuant to subsection (ii), (iii) and (iv) above or the total number of commercial parking spaces required pursuant to subsection (i) above.

Location

- (vi) Parking required for residents, except where required within the building pursuant to subsections (iii) and (iv) above, may be provided anywhere within the RM6(197) zone.
- (vii) Parking required for C3 uses and for residential visitors may be provided anywhere within the RM6(197) zone, the C3 (8) zone or the O1(44) zone.
- (viii) All parking within Parcels 1, 2, 3 or 4, other than short term pick up/drop off parking, shall be contained in underground garages. Despite this prohibition, temporary surface parking lots, including but not limited to parking lots servicing buildings located on lands zoned C3(8), shall be permitted anywhere within Parcels 1, 2, 3 or 4 before construction, between phases of construction, or during the course of construction of any building located within any of these parcels.

Access

- (ix) All parking spaces shall be accessed by a private street or drive aisle having a minimum unobstructed vertical clearance of 2.0 metres and a width of 6.0 metres or more at the entrance to the parking space.
- (x) Notwithstanding subsection (ix), the existing drive aisle in the underground garage of the building at 75 The Donway West shall be deemed to conform to the drive aisle width requirement.

Obstructions

- (xi) Every parking space shall have a minimum unobstructed vertical clearance of 2.0 metres for the entire length and width of the parking space.

Dimensions – Parking Spaces

- (xii) Except for parallel parking spaces, whose minimum length shall be 6.7 metres, all parking spaces, including handicapped parking spaces, shall have a minimum length of 5.6 metres.
- (xiii) All standard parking spaces shall have a minimum width of 2.6 metres and a minimum clear height of 2.0 metres, except that the minimum width shall be 2.9 metres for one obstructed side and 3.2 metres for two obstructed sides. All handicapped parking spaces shall have a minimum width of 3.65 metres and a minimum clear height of 2.0 metres. The side of a parking space shall be considered to be obstructed when any part of a fixed object such as, but not limited to, a wall, column, bollard, fence or pipe is situated within 0.3 metres of the side of the parking space, measured at right angles, and more than 1.0 metres from the front or the rear of the parking space.
- (xiv) Notwithstanding subsections (xii) and (xiii), the existing parking spaces in the underground garage of the building at 75 The Donway West shall be deemed to conform to the parking dimension requirements.

LOADING

- (dd) The provisions of Sections 6A(16)(a)(ii), 6A(16)(a)(iv), 6A(16)(c)(i) and 6A(16)(d)(iv) of By-law No. 7625, as amended, shall not apply.
- (ee) The minimum number of loading spaces shall be:
 - (i) 1 space for Building A1 and Building A2, located within Parcel 1 and identified as BLDG A1 and BLDG A2 on Schedule RM6(197);
 - (ii) 1 space for Building B1, 1 space for Building B2 and 1 space for Building D, located within Parcel 2 and identified as BLDG B1, BLDG B2 and BLDG D on Schedule RM6(197);
 - (iii) 1 space for Building E, located within Parcel 3 and identified as BLDG E on Schedule RM6(197); and
 - (iv) 1 space for Building G, located within Parcel 4 and identified as BLDG G on Schedule RM6(197).

LOT COVERAGE

- (ff) The maximum lot coverage shall be:
- (i) 55 per cent for Parcel 1;
 - (ii) 55 per cent for Parcel 2;
 - (iii) 55 per cent for Parcel 3; and
 - (iv) 85 percent for Parcel 4.

LANDSCAPING

- (gg) The minimum landscaping shall be:
- (i) 2,000 square metres for Parcel 1;
 - (ii) 6,300 square metres for Parcel 2;
 - (iii) 1,750 square metres for Parcel 3; and
 - (iv) 800 square metres for Parcel 4.

Despite these minimums, temporary surface parking lots shall nevertheless be permitted on Parcels 1, 2, 3 and 4 in accordance with the provisions of subsection (cc)(viii) and their areas shall, until completion of construction, be counted as hard landscaping.

FRONTAGE ON A STREET

- (hh) The provisions of Section 6(7) of By-law No. 7625, as amended, shall not apply.

DIVISION OF LANDS

- (ii) Notwithstanding any future severance, partition or division of the gross site shown on Schedule "RM6(197)", the provisions of this By-law shall apply to the whole of the gross site as if no severance, partition or division occurred.

SECTION 37 AGREEMENT

- (jj) 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 Parcels 1, 2, 3 and 4 is permitted in return for the provision by the owner of the following facilities, services and matters to the City at the owner's sole expense:

- (i) prior to the earlier of the issuance of a building permit to construct Buildings E or G as shown on Schedule RM6(197), the owner shall:
 - (a) commence construction of the Community Centre referred to in clause (ii)(b)(i) noted below; and
 - (b) submit to the City a letter of credit or letters of credit for the balance of the \$17,000,000.00, indexed annually from 2010 dollars to reflect changes in the Construction Price Index, to secure the achievement of substantial completion of the Community Centre referred to in clause (ii)(b)(i) noted below; and
- (ii) the owner shall enter into one or more agreements with the City pursuant to Section 37 of the *Planning Act* which are registered on title to Parcels 1, 2, 3 and 4 by the City to secure:
 - (a) the matters provided for in clause (jj)(i) above, namely the commencement of construction of the Community Centre and the submission of the letter of credit or letters of credit; and
 - (b) the provision and maintenance by the owner of the following:
 - (i) the construction of a publicly accessible community centre on the lands zoned O1(44) on Schedule 1 (the "Community Centre") that has a floor space area of at least 48,570 square feet, the value of which shall be based on the City's 2010 benchmark value of \$350.00 per square foot multiplied by the floor space area of 48,570 square feet for a total of \$17,000,000.00, and the per square foot benchmark value of \$350.00 and the total value of \$17,000,000.00 shall be indexed annually based on 2010 dollars to reflect changes in the Construction Price Index;
 - (ii) the City's continued use of the arena, located on Parcel 4, until October 31, 2020;
 - (iii) above base park improvements to the lands zoned O1(43) on Schedule 1 hereto (the "Local Park");
 - (iv) the maintenance of the Local Park for a long term period;
 - (v) the granting of a public easement over a corridor from the Community Centre to the Local Park;
 - (vi) the provision of adequate unreserved parking spaces to service the needs of the staff and patrons of the Community Centre on a shared basis; and

- (vii) a sublease for the long term operation of the Community Centre on a fully net and carefree basis to the City."

3. Section 64.25(8) of By-law No. 7625 is amended by:

- (1) replacing Schedules C3(8)A and C3(8)B with the revised Schedules C3(8)A and C3(8)B attached to this By-law;
- (2) amending subsection (c) so that it reads as follows:

"The maximum building height for the subject property shown on Schedule C3(8)B shall be 161.54 metres above sea level.";
- (3) adding a new subsection (d) as follows:

"The maximum gross floor area permitted shall be 85,604 square metres."; and
- (4) adding a new subsection (e) as follows:

"All commercial parking spaces may be shared with the residential visitor parking and the commercial parking required by the RM6(197) zone and the O1(44) zone."

4. Section 64.37 of By-law No. 7625 is amended by adding the following subsections:

"64.37(43) O1(43)

- (a) In addition to uses permitted by the O1 zone, temporary surface parking areas, including but not limited to parking areas servicing buildings located on lands zoned C3(8), and construction staging shall be permitted prior to the conveyance of the lands to the City.

64.37(44) O1(44)

- (a) The following uses shall be permitted:
 - (i) temporary surface parking lots, including but not limited to parking areas servicing buildings located on lands zoned C3(8), and construction staging;
 - (ii) all uses permitted in the Open Space Zone (O1);
 - (iii) underground commercial and residential parking garages; and
 - (iv) all uses permitted in the District Shopping Centre Zone (C3).
- (b) The minimum gross floor area required for a community centre shall be 4,512 square metres, excluding the gross floor area of permitted C3 uses.

- (c) The provisions of Section 37.3(a) of By-law No. 7625, as amended, shall not apply.
- (d) Parking spaces shall be provided in accordance with the following requirements:

Commercial Parking

- (i) A minimum of 1.0 space for each 20 square metres of gross leasable floor area for uses permitted in a C3 zone.
- (ii) Parking required for C3 uses may be provided anywhere within the RM6(197) zone, the C3(8) zone or the O1(44) zone.

Parking for O1 Uses

- (iii) A minimum of 5 parking spaces shall be provided within the O1(44) zone, all of which shall be handicapped parking spaces with a minimum width of 3.65 metres, a minimum length of 5.6 metres and a minimum clear height of 2.0 metres.
- (iv) In addition to the parking required by subsection (iii), a minimum of 160 parking spaces shall be provided anywhere within the RM6(197) zone, the C3(8) zone or the O1(44) zone.

Shared Parking

- (v) The parking required by subsection (iv) will be shared with the residential visitor parking and the commercial parking required by the RM6(197) zone and the commercial parking required by the C3(8) zone. In addition, parking required by subsection (ii) will be shared with parking required by subsection (iv) if such parking is provided in the O1(44) zone.

Location

- (vi) All parking shall be contained in underground garages. Despite this prohibition, temporary surface parking areas, including but not limited to parking areas servicing buildings located on lands zoned C3(8), shall be permitted before construction, between phases of construction, or during the course of construction of any building on the lands in this exception.

Access

- (vii) All parking spaces shall be accessed by a private street or drive aisle having a minimum unobstructed vertical clearance of 2.0 metres and a width of 6.0 metres or more at the entrance to the parking space.

Obstructions

- (viii) Every parking space shall have a minimum unobstructed vertical clearance of 2.0 metres for the entire length and width of the parking space.

Dimensions – Parking Spaces

- (ix) Except for parallel parking spaces, whose minimum length shall be 6.7 metres, all parking spaces, including handicapped parking spaces, shall have a minimum length of 5.6 metres.
- (x) All standard parking spaces shall have a minimum width of 2.6 metres and a minimum clear height of 2.0 metres, except that the minimum width shall be 2.9 metres for one obstructed side and 3.2 metres for two obstructed sides. All handicapped commercial parking spaces shall have a minimum width of 3.65 metres, a length of 5.6 metres and a minimum clear height of 2.0 metres. The side of a parking space shall be considered to be obstructed when any part of a fixed object such as, but not limited to, a wall, column, bollard, fence or pipe is situated within 0.3 metres of the side of the parking space, measured at right angles, and more than 1.0 metres from the front or rear of the parking space."

- 5.** Subsection 22.12.5(b) and Schedule "X5" of By-law No. 7625, as amended, are deleted.

PURSUANT TO A DECISION/ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON MARCH 2, 2011 IN CASE NO. PL070673.

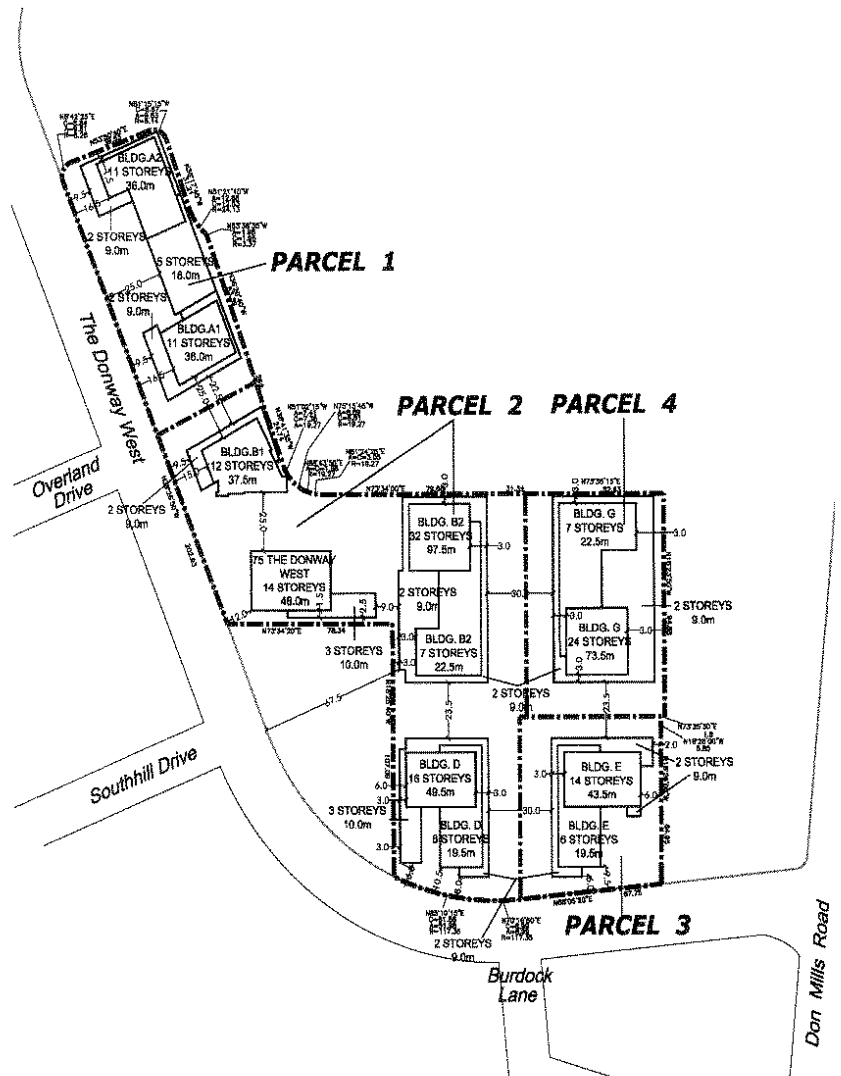


SCHEDULE 1

Part of Blocks A and F, Registered Plan 4545
Survey data from Topographic Survey by MMM Geomatics Ontario Ltd.
Date : Dec. 15, 2010
Approved by :



SCHEDULE RM6 (197)



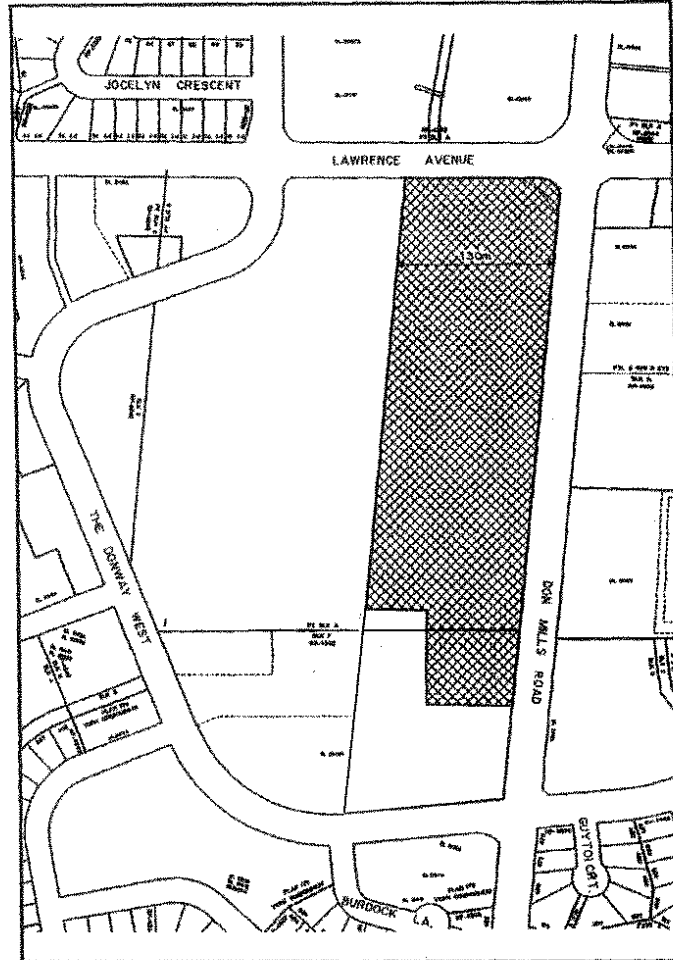
SCHEDULE RM6 (197)

City of Toronto

Part of Blocks A and F, Registered Plan 4545,
 City of Toronto (formerly City of North York)
 Plan of Survey from MMA Geomatics Ontario Limited
 Date: December 15, 2010
 Approved by:

N.T.S.

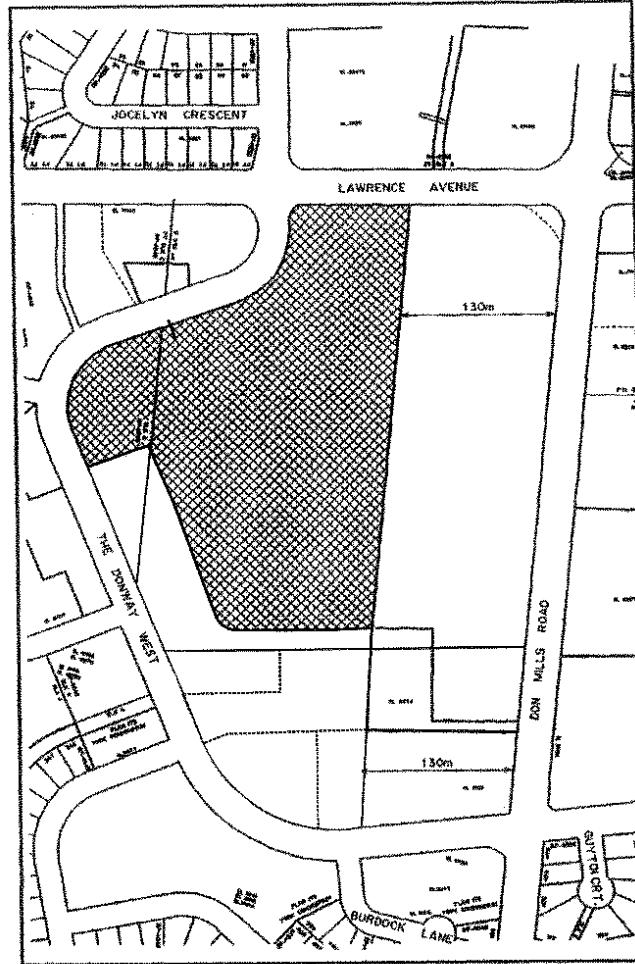
SCHEDULE C3 (8) A



S219-2-0175 Agm 2010 N15

N.T.S.

SCHEDULE C3(8) B

Toronto City Council
April 15, 2013

N.T.S.