

CITY OF TORONTO

BY-LAW No. 85-2014(OMB)

To amend former City of North York By-law No. 7625, as amended, in respect of lands municipally known as 9 and 15 Bales Avenue and 34 and 44 Avondale Avenue.

Whereas the Ontario Municipal Board pursuant to its Decision/Order No. PL071196 dated July 30, 2008, upon hearing the appeal of Lean Bros. Farms Limited, Welleby Properties Limited, BBT Devgroup Inc. and Baghai Development in Trust [Owner] under Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, deems it advisable to amend By-law No. 7625, as amended, of the former City of North York;

The Ontario Municipal Board orders:

1. Schedules "B" and "C" of By-law No. 7625, as amended, are amended in accordance with Schedule 1 of this by-law.
2. Section 64.20-A of By-law No. 7625, as amended, is amended by adding the following subsection:

"64.20-A(181) RM6(181)

DEFINITIONS

APARTMENT HOUSE DWELLING

- (a) For the purpose of this exception, "apartment house dwelling" shall include, in addition to dwelling units having access only from an internal corridor system, ground level dwelling units having access both from an internal corridor system and directly from the outside.

BICYCLE PARKING SPACE

- (b) For the purpose of this exception, "bicycle parking space" shall mean an area designed and equipped exclusively for the purpose of parking and securing a bicycle. The space will not be provided within a dwelling unit or balcony. The dimensions of bicycle parking spaces are to be a minimum of 1.9 metres high by 0.6 metres wide and either 1.2 metres deep (vertical parking) or 1.8 metres deep (horizontal parking). Not more than 50% of bicycle parking spaces will be provided as vertical parking.

ESTABLISHED GRADE

- (c) For the purpose of this exception, "established grade" shall mean 175.80 metres Canadian Geodetic Datum.

GROSS FLOOR AREA

- (d) For the purpose of this exception, "gross floor area" shall mean the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, but excluding:
- (i) any part of the building used as mechanical floor area;
 - (ii) any area used for motor vehicle access or parking;
 - (iii) any space used exclusively for bicycle parking which is also located within a below-grade parking garage; and
 - (iv) the floor area of unenclosed residential balconies.

GROSS SITE

- (e) Area of 1,800.9 square metres.

MECHANICAL FLOOR AREA

- (f) For the purpose of this exception, "mechanical floor area" shall mean the floor area within a building that is used exclusively for the accommodation of mechanical equipment necessary to physically operate the building such as heating, ventilation, air conditioning, electrical, telephone, plumbing, fire protection and elevator equipment.

NET SITE

- (g) Total area of 1,522.9 square metres and shown on Schedule RM6(181).

PERMITTED USES

- (h) The only permitted uses shall be apartment house dwellings and related accessory uses including private recreational amenity areas.

EXCEPTION REGULATIONS**MAXIMUM GROSS FLOOR AREA**

- (i) The maximum gross floor area for all uses shall be 5,080.65 square metres except as provided for in subsection (t) of this exception.

LOT COVERAGE

- (j) Maximum 50%.

NUMBER OF DWELLING UNITS

- (k) The maximum number of dwelling units shall be 65.

BUILDING HEIGHT/STOREYS

- (l) The maximum building height above established grade in metres and in storeys, excluding penthouse or roof structures used only for ornament or to house mechanical equipment and stairwells to access the roof, is shown on Schedule RM6(181).

BUILDING ENVELOPE

- (m) The following provisions shall apply:
- (i) No portion of any building or structure erected and used above established grade shall be located otherwise than wholly within the building envelope identified on Schedule RM6(181), except for accessory structures including gazebos, transformer pads, garbage enclosures, exterior stairs, elevated portions of garages, and driveway or driveway ramps.
 - (ii) The minimum yard setbacks shown on Schedule RM6(181) shall not apply to minor projections including roof eaves, window sills, railings, cornices, guard rails, balustrades, porches, decks, balconies, canopies exterior stairs, wheelchair and covered ramps, parapets and vents, all of which may project to a maximum of 1.5 metres beyond the building envelope.

LANDSCAPING

- (n) A minimum of 331.8 square metres of landscaped open space shall be provided on the net site, which may include areas on top of building structures.

PARKING

- (o) Parking spaces shall be provided in accordance with the following:
- (i) A minimum of 1.0 parking spaces per dwelling unit, of which 0.1 parking spaces per dwelling unit shall be designated exclusively for visitor use; and
 - (ii) A maximum of 1.4 parking spaces per dwelling unit, of which 0.1 parking spaces per dwelling unit shall be designated exclusively for visitor use.

PARKING SPACE AND DRIVEWAY DIMENSIONS

- (p) The following parking space dimensions and driveway widths shall apply:
- (i) Notwithstanding Section 6A(3)(a), a "parking space" including an angled

parking space shall have a minimum width of 2.7 metres and a minimum length of 5.5 metres; and

- (ii) Notwithstanding Section 6A(5)(b)(ii), a "two-way driveway" shall have a minimum width of 6.0 metres.

LOADING SPACE

- (q) A minimum of one loading space shall be provided on the net site.

PRIVATE RECREATIONAL SPACE

- (r) A minimum of 1.5 square metres of indoor recreational amenity area per dwelling unit and a minimum of 1.5 square metres of outdoor recreational amenity area per dwelling unit shall be provided on the net site.

PROVISIONS NOT APPLICABLE

- (s) The provisions of Section 6(23) of the zoning by law Requirements for Accessory Buildings; Section 6A(2) Parking Requirements; Section 6A(16)(a)(iv) Loading Space Requirements; Section 15(8) Landscaping; Section 20-A.1(a) and (b)(i) RM6 Permitted Uses and Use Qualifications; and Section 20-A.2 RM6 Lot Area, Lot Coverage, Lot Frontage, Yard Setbacks, Distance Between Buildings, Gross Floor Area and Building Height shall not apply.

INCREASED DENSITY

- (t) Matters which are to be provided pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, in order to permit the increased maximum in gross floor area authorized under subsection (w) of this exception are:

SECTION 37 AGREEMENT

- (u) The owner of the subject lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters referred to below, which agreement or agreements may be registered against the title of the lands to which this By-law applies in the manner and to the extent specified in such 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 exchange for the increased density hereinafter set out:
 - (i) A monetary contribution to be used towards the City's cost of land acquisition for the North York Centre Service Road and associated road network and buffer areas, and/or towards the cost of constructing and furnishing a public recreational centre or social facility servicing the North York Centre, for the proposed 602.64 square metre density incentive. The

owner shall provide the monetary contribution in the form of a certified cheque upon execution of the Section 37 Agreement, and upon the enactment of the Zoning By-law.

The amount of the monetary contribution shall be equal to \$45.00 per square foot (\$484.38 per square metre), or \$291,915.00, which is the market value, based on the land value of density in the North York Centre, of the proposed 602.64 square metre gross floor area, as determined by the Director of Real Estate Services. The dollar amount per square foot (square metre) shall be indexed by the TREB Market Watch Index as further described in the Section 37 agreement.

- (ii) A minimum of 1.5 square metres per dwelling unit of private indoor recreational amenity space.
- (iii) A minimum of 0.10 bicycle parking spaces per dwelling unit shall be provided in an indoor, at-grade common bicycle room of a minimum area of 19 square metres, conveniently accessible to the outside.
- (iv) Conveyance to the City for service road purpose, for a nominal sum and free and clear of any structures, tenancies and encumbrances, the property municipally known as 44 Avondale Avenue, being Part Lot 1272 of Plan 1967, with an area 274.06 square metres. The owner shall convey this property to the City no later than 90 days from the date of final approval of the site-specific zoning by-law for the project. Prior to conveyance to the City, the owner shall have obtained and provided to the satisfaction of the Director, Technical Services, any necessary environmental certification. The owner is also required to sod the property and provide any appropriate fencing along the property boundaries in a manner acceptable to the Director, Transportation Services, and to provide a certified cheque in the amount of \$10,000.00 to the Director, Transportation Services, for the cost of property maintenance.
- (v) In addition to the facilities, services and/or matters described in subsection (u), the owner of the subject lands, at the owner's expense and in accordance with, and subject to the agreement(s) referred to in subsection (u), has proposed to provide and shall also provide one Toronto Transit Commission Metropass per dwelling unit for a period of one year.

ADDITIONAL GROSS FLOOR AREA

- (w) Notwithstanding subsection (i) of this exception, an increased maximum gross floor area may be permitted on the net site shown on Schedule RM6(181), limited to the following:
 - (i) A maximum of 602.64 square metres of gross floor area attributable to the monetary contribution specified in (u)(i) above;

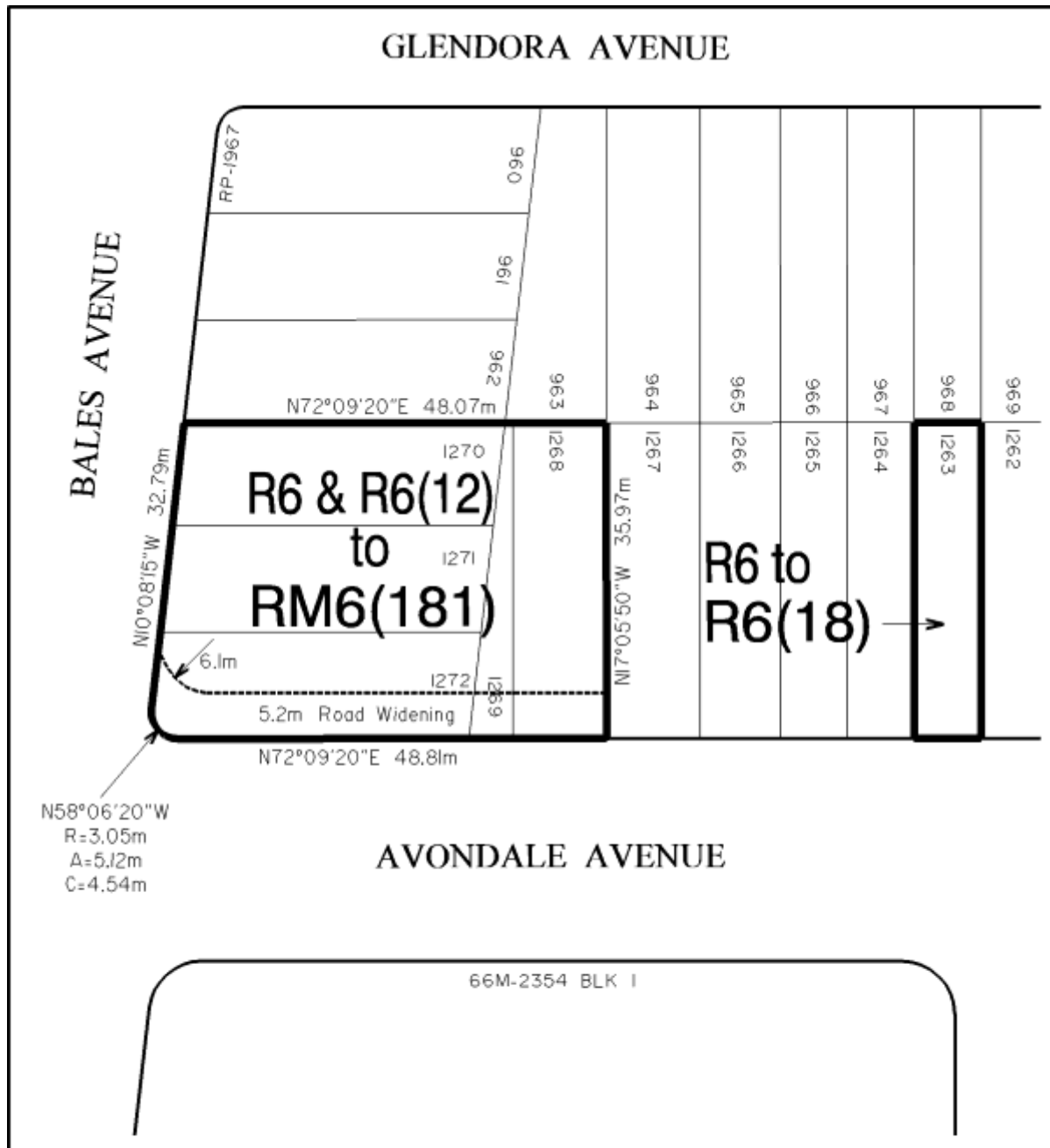
- (ii) A maximum of 1.5 square metres gross floor area per dwelling unit of private indoor recreational amenity space, provided that the area is used solely for recreational purposes;
 - (iii) A maximum gross floor area of 19 square metres provided such gross floor area is used exclusively for bicycle storage space and is additional to general storage space otherwise provided. A minimum of 0.10 bicycle parking spaces per dwelling unit shall be provided in an indoor, at-grade common bicycle room of a minimum area of 19 square metres, conveniently accessible to the outside; and
 - (iv) A maximum gross floor area of 959.21 square metres attributable to density transferred from the off-site property municipally known as 44 Avondale Avenue conveyed to the City for service road purposes."
3. Section 64.20 of By-law No. 7625 of the former City of North York is amended by adding Schedule RM6(181) attached to this By-law.
4. Section 64.14-A of By-law No. 7625 is amended by adding the following subsection:

"64.14-A(18) R6(18)

EXCEPTION REGULATIONS

- (a) The maximum gross floor area shall be 0.0 square metres."

PURSUANT TO THE ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED JULY 30, 2008 IN BOARD FILE NO. PL071196.



Schedule 1

RM6() Lands: Lots 1268 to 1272 Registered Plan 1967

R6() Lands: Lot 1263 Registered Plan 1967

Date: 06/20/2008

Approved by: C.C.

File # 06_108827



Not to Scale

