

Authority: Ontario Municipal Board Order issued December 12, 2014 in Board Case  
No. PL140007

## **CITY OF TORONTO**

### **BY-LAW No. 110-2015(OMB)**

**To amend former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 2800 Keele Street.**

Whereas the Ontario Municipal Board, by its Order issued December 12, 2014, in Board File No. PL140007, determined to amend Zoning By-law No. 7625 of the former City of North York, as amended, with respect to the lands known municipally as 2800 Keele Street (the "*Lands*"); and

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height or density of development beyond those otherwise permitted by the by-law and 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 and 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 aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 7625 of the former City of North York, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Ontario Municipal Board orders:

1. Schedules "B" and "C" of By-law No. 7625 of the former City of North York are hereby amended in accordance with Schedule 1 of 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 (228) RM6(228)**

#### **DEFINITIONS**

- a. For the purpose of this exception, "established grade" is defined as 183.0 metres above sea level.

## **PERMITTED USES**

- b. The only permitted uses shall be:
  - (i) An Apartment House Dwelling and uses accessory thereto;
  - (ii) The following non-residential uses on the ground floor only: retail store, service shop, personal service shop, business office, professional office and professional medical office; and
  - (iii) A temporary sales office/pavilion.

## **USE QUALIFICATIONS**

- c. Outdoor amenity areas may be located on roof top terraces.

## **EXCEPTION REGULATIONS**

### **DWELLING UNITS**

- d. A maximum of 216 dwellings units shall be permitted.

### **LOT COVERAGE**

- e. The provisions of Section 20-A.2.2 (Lot Coverage) shall not apply.

### **YARD SETBACKS**

- f. The minimum yard setbacks for buildings and structures above established grade shall be as shown on Schedule RM6(228).
- g. Notwithstanding (f) above, the minimum yard setback for parking structures and structures associated thereto below established grade shall be 0.0 metres.
- h. Notwithstanding (f) above, the minimum yard setback for structures associated with parking structures above established grade shall be 0.0 metres.

### **GROSS FLOOR AREA**

- i. A maximum gross floor area of 17,030 square metres shall be permitted, of which a maximum of 375 square metres shall be for non-residential uses.

### **BUILDING HEIGHT**

- j. The maximum building height, excluding mechanical penthouses, landscape open structures and parapets, shall be the lesser of 11 storeys and 36.0 metres as shown on Schedule RM6(228).

### **MINIMUM GROUND FLOOR HEIGHT**

- k. The minimum ground floor height shall be 4.0 metres.

### **CONTINUOUS WEATHER PROTECTION**

- l. Continuous weather protection with a minimum depth of 1.5 metres shall be provided along the Keele Street frontage.

### **LANDSCAPING**

- m. The provisions of Section 15.8 (Landscaping) shall not apply.
- n. A minimum 2.0 metre wide landscape strip shall be provided along the north property line.
- o. A minimum 2.7 metre wide landscape strip shall be provided along the west lot line.

### **RECREATIONAL AMENITY AREA**

- p. A minimum of 2.0 square metres per dwelling unit of indoor amenity space shall be provided.
- q. A minimum of 1.6 square metres per dwelling unit of outdoor amenity space shall be provided and may include a minimum of 250 square metres of roof top amenity space.

### **PARKING**

- r. The provisions of Section 6A(8)(c) and (d) (Parking Regulations for RM Zones Other Than RM2 Zones) shall not apply.
- s. Parking for residential uses within the site shall be provided in accordance with the following:
  - (i) A minimum of 0.7 parking spaces per studio apartment house dwelling unit, of which, 0.15 parking spaces per dwelling unit shall be for the use of visitors.
  - (ii) A minimum of 0.8 parking spaces per 1-bedroom apartment house dwelling unit, of which, 0.15 parking spaces per dwelling unit shall be for the use of visitors.
  - (iii) A minimum of 0.9 parking spaces per 2-bedroom apartment house dwelling unit, of which, 0.15 parking spaces per dwelling unit shall be for the use of visitors.

- (iv) A minimum of 1.1 parking spaces per 3-bedroom apartment house dwelling unit, of which, 0.15 parking spaces per dwelling unit shall be for the use of visitors.
- t. Parking for non-residential uses within the site shall be provided at a rate of 3 parking spaces per 100 square metres gross floor area.

### **BICYCLE PARKING**

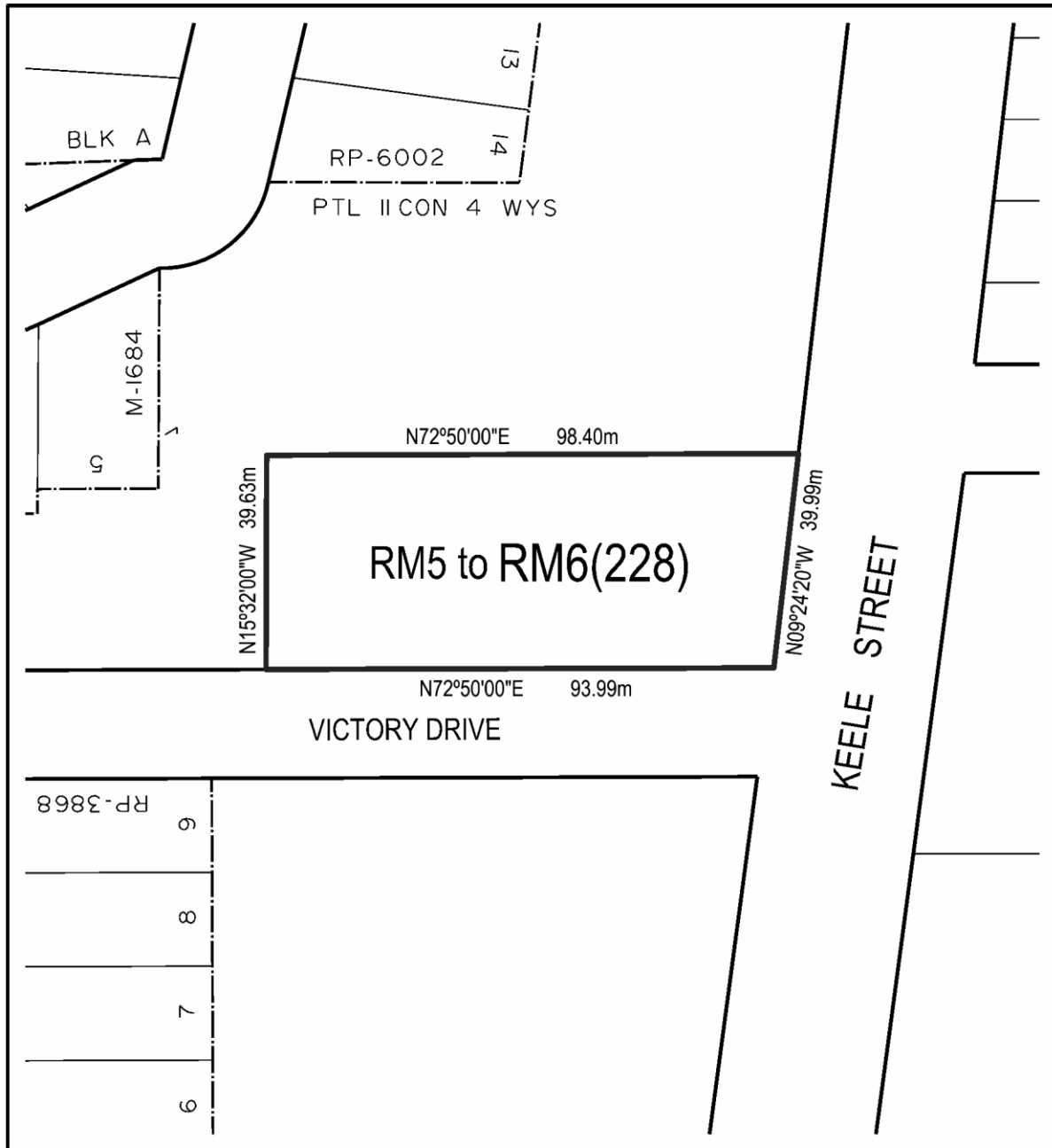
- u. Bicycle parking shall be provided on-site at a minimum rate of 0.6 spaces per dwelling unit for residents.
- v. Bicycle parking shall be provided on-site at a minimum rate of 0.15 spaces per dwelling unit for residential visitors.
- w. Bicycle parking shall be provided on-site at a minimum rate of 0.13 spaces per 100 square metres of non-residential space.
- x. Bicycle parking shall be provided on-site at a minimum rate of the greater of 0.25 spaces per 100 square metres or a minimum of 6 spaces for non-residential visitors.

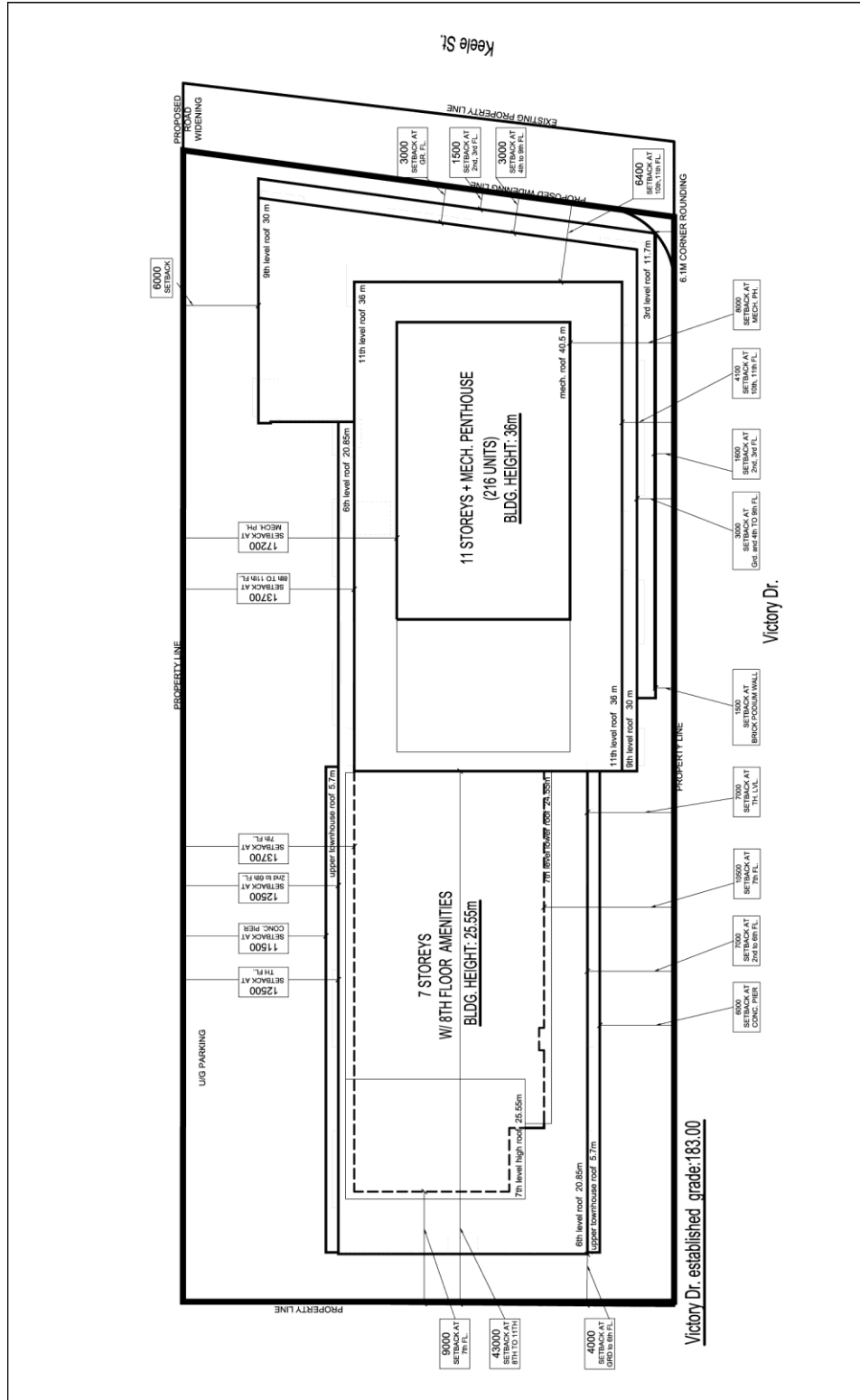
### **LOADING SPACE REQUIREMENTS**

- y. The provisions of Section 6A(16)(a), (b) and (d) (Loading Spaces Required) shall not apply.
  - z. Loading spaces shall be provided on-site as follows:
    - (i) One (1) Type 'G' space.
3. Section 64.20-A of By-law No. 7625 is amended by adding Schedule RM6(228), attached to this By-law.
4. Section 37 of the *Planning Act*
- (a) Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the Lands is permitted in return for the Owner's election to provide, at the Owner's expense, the facilities, services and matters set out in Schedule "A" hereof 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.
  - (b) Where Schedule "A" of this By-law 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.

- (c) 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 By-law unless all provisions of Schedule "A" are satisfied.
- 5. Within the lands shown on Schedule RM6(228) 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:
  - (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; and
  - (b) All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
- 6. Notwithstanding any severance, partition or division of the lands shown on Schedule RM6(228), the regulations of this exception shall continue to apply to the whole of the said lands as if no severance, partition or division had occurred.

PURSUANT TO ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED ON DECEMBER 12, 2014 IN BOARD CASE NO. PL140007.





**Toronto** City Planning

## Schedule RM6(228)

Part of Lot 11, Concession 4, West of Yonge Street, City of Toronto  
Krcmar Surveyors Limited

File # 12 268121 NNY 09 0Z

Date: 06/12/2014

Approved by: C. Ferguson

Not to Scale



**SCHEDULE "A"**  
Section 37 Provisions

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* and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the *Owner* agrees as follows:

- (1) Prior to issuance of an above-grade building permit, other than a building permit for a temporary sales office/pavilion, the Owner shall:
  - (i) Pay to the City the sum of Four Hundred Thousand Dollars (\$400,000) to be used towards capital improvements at the Downsview Public Library including an Early Literacy Centre and a Computer Centre; and
  - (ii) Pay to the City the sum of Fifty Thousand Dollars (\$50,000) to be used towards streetscape improvements along Keele Street and Victory Drive in the immediate vicinity of the proposed development;

with such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

- (2) In the event the cash contribution(s) referred to in Section 1 above has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councilor, provided that the purpose(s) are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.