

Authority: Ontario Municipal Board Decision issued September 21, 2000 and Order issued December 31, 2001 in Board File No. PL000050

CITY OF TORONTO

BY-LAW No. 1179-2016(OMB)

To amend former City of North York By-law No. 7625 in respect of lands municipally known as 17 and 25 Hillcrest Avenue, 18, 20 and 22 Elmwood Avenue.

Whereas authority is given to the Ontario Municipal Board by Sections 34 and 37 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, to direct that this By-law be enacted; 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 former City of North York contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c. P.13, the Ontario Municipal Board may, in a By-law passed under Section 34 of the *Planning Act*, R.S.O., c. P.13, as amended, 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*, R.S.O. 1990, c. P.13, 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 have elected to provide the facilities, services and matters and hereinafter set forth; and

Whereas the increase in height of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by the By-law, 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 the one or more agreements between the owner of such lands and the City of Toronto; and

Whereas the City of Toronto has required the owner of the aforesaid lands to enter into one or more agreements having been executed dealing with certain facilities, services and matters in return for the increase in density in connection with the aforesaid lands as permitted by this By-law;

The Ontario Municipal Board has ordered the enactment of the following:

1. Schedules "B" and "C" of By-law No. 7625 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(99) RM6(99)

DEFINITIONS

Gross Floor Area

- (a) For purposes of this exception, "gross floor area" shall be defined as 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, including any areas used as balconies, but excluding:
- (i) any part of the building used for mechanical floor area;
 - (ii) below grade space used exclusively for motor vehicle parking; and
 - (iii) the floor area of unenclosed residential balconies.

Mechanical floor area

- (b) For purposes 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, plumbing, fire protection and elevator equipment.
- (c) For the purposes of this exception, "established grade" as defined by By-law No. 7625, as amended, shall be taken from Hillcrest Avenue.
- (d) For the purposes of this exception, "canopy" shall mean an unenclosed covering that may extend beyond the building envelope.

PERMITTED USES

- (e) The only permitted use shall be an apartment house dwelling and accessory uses including recreational amenity areas for the exclusive use of the residents of the building.

SECTION 37 AGREEMENT

- (f) The respective facilities, services or 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 height and density authorized under subsection (f) for the provision of a minimum of 324 square metres of gross floor area for use on the lands exclusively as recreational amenity areas.

EXCEPTION REGULATIONS**GROSS FLOOR AREA**

Maximum gfa

- (g) The maximum gross floor area permitted on the site shall be 19,848 square metres.

Incentive

- (h) In addition to the maximum gross floor area cited above, gross floor area for use exclusively as recreational amenity areas shall be permitted, not exceeding 324 square metres in total.

LOT COVERAGE

- (i) The maximum lot coverage shall be 26 percent.

YARD SETBACKS

- (j) For purposes of this By-law, Hillcrest Avenue shall be considered as the lot frontage.
- (k) The minimum yard setbacks shall be as follows:
- (i) front yard: 3.0 metres, except for the front door canopy, which may project 2.95 metres into the setback area;
 - (ii) side yard: 5.0 metres; and
 - (iii) rear yard (facing Elmwood Avenue): 35 metres.

BUILDING HEIGHT

- (l) The maximum building height shall be as shown on Schedule "RM6(99)" attached.
- (m) In addition to the maximum building height, mechanical penthouses and other rooftop structures may be permitted, provided that they do not exceed 6 metres in height.

PARKING

- (n) Parking spaces shall be provided and maintained in accordance with the following requirements:
- (i) a minimum of 1.0 spaces per dwelling unit; and

- (ii) a maximum of 1.4 spaces per dwelling unit;
of which 10 percent must be designated for visitor use.

UNIT COUNT

- (o) The maximum number of dwelling units shall be 230.

AFFORDABLE HOUSING

- (p) A minimum of 25 percent of all dwelling units shall comply with the following maximum floor areas:
 - (i) 55 square metres for bachelor dwelling units;
 - (ii) 70 square metres for one-bedroom dwelling units;
 - (iii) 80 square metres for two-bedroom dwelling units;
 - (iv) 120 square metres for three-bedroom dwelling units; or
 - (v) any combination thereof.

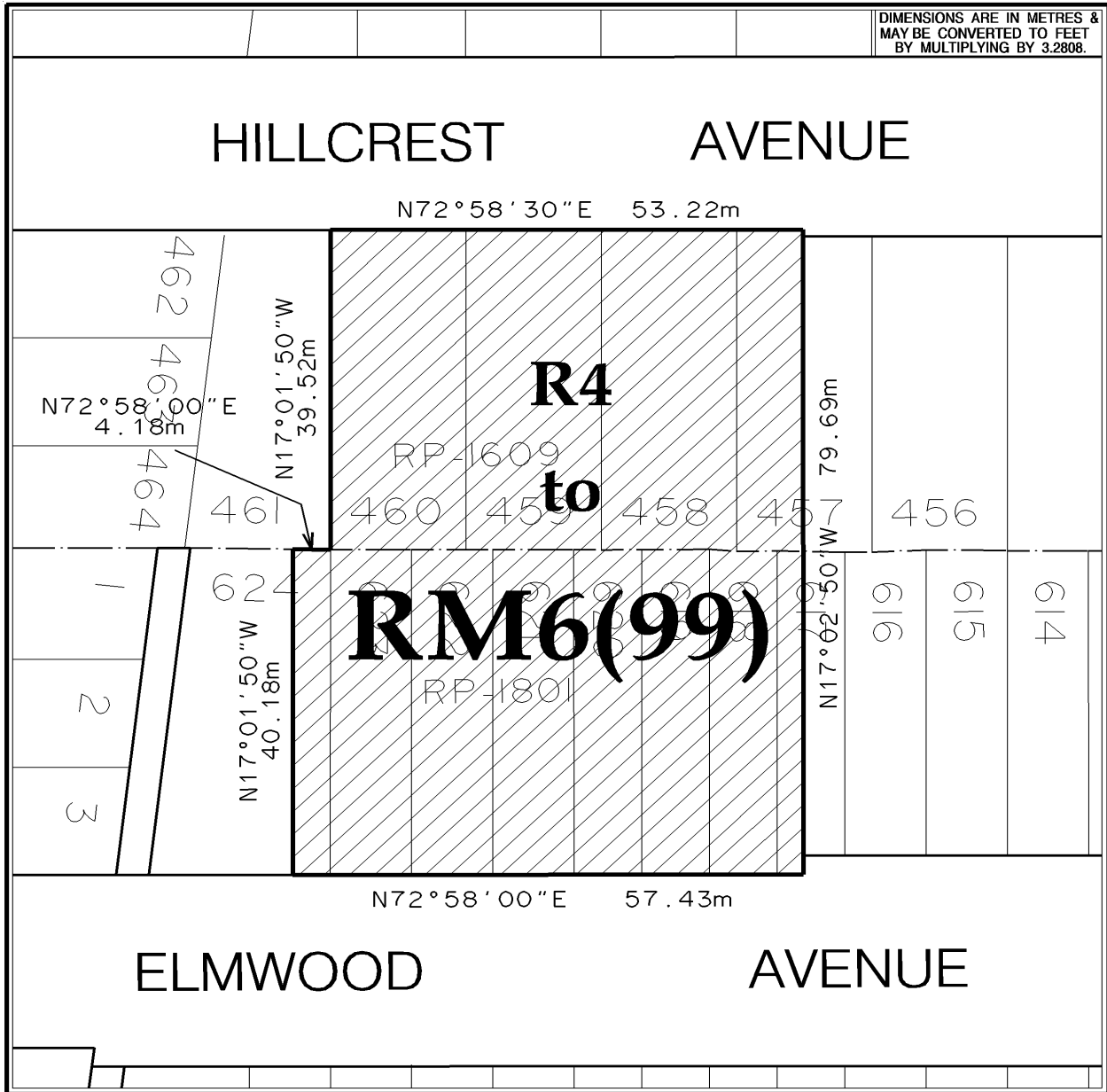
OPEN SPACE

- (q) A minimum of 1,950 square metres of landscaped open space shall be provided on the lands.

DIVISION OF LANDS

- (r) The provisions of this exception shall apply collectively to the lands notwithstanding their future severance, partition or division for any purpose."

Pursuant to the Decision of the Ontario Municipal Board issued September 21, 2000 and Order issued December 31, 2001 in Board File No. PL000050.




This is Schedule " 1 " to By-Law _____
passed the _____ day of _____, 20 _____

(Sgd.) _____ (Sgd.) _____
 CLERK MAYOR


Location: R.P. 1609 , lots 458 - 460 & pt. of lot 457 , R.P. 1801 lots 618 - 623 & pt. of lots 617 & 624

File: UDZ-98-33 / UDOP-99-45 Prepared by: T . A . Approved by: A . M . Date: MAY 03 / 00 Filename: SBL2989


Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District.
 Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.

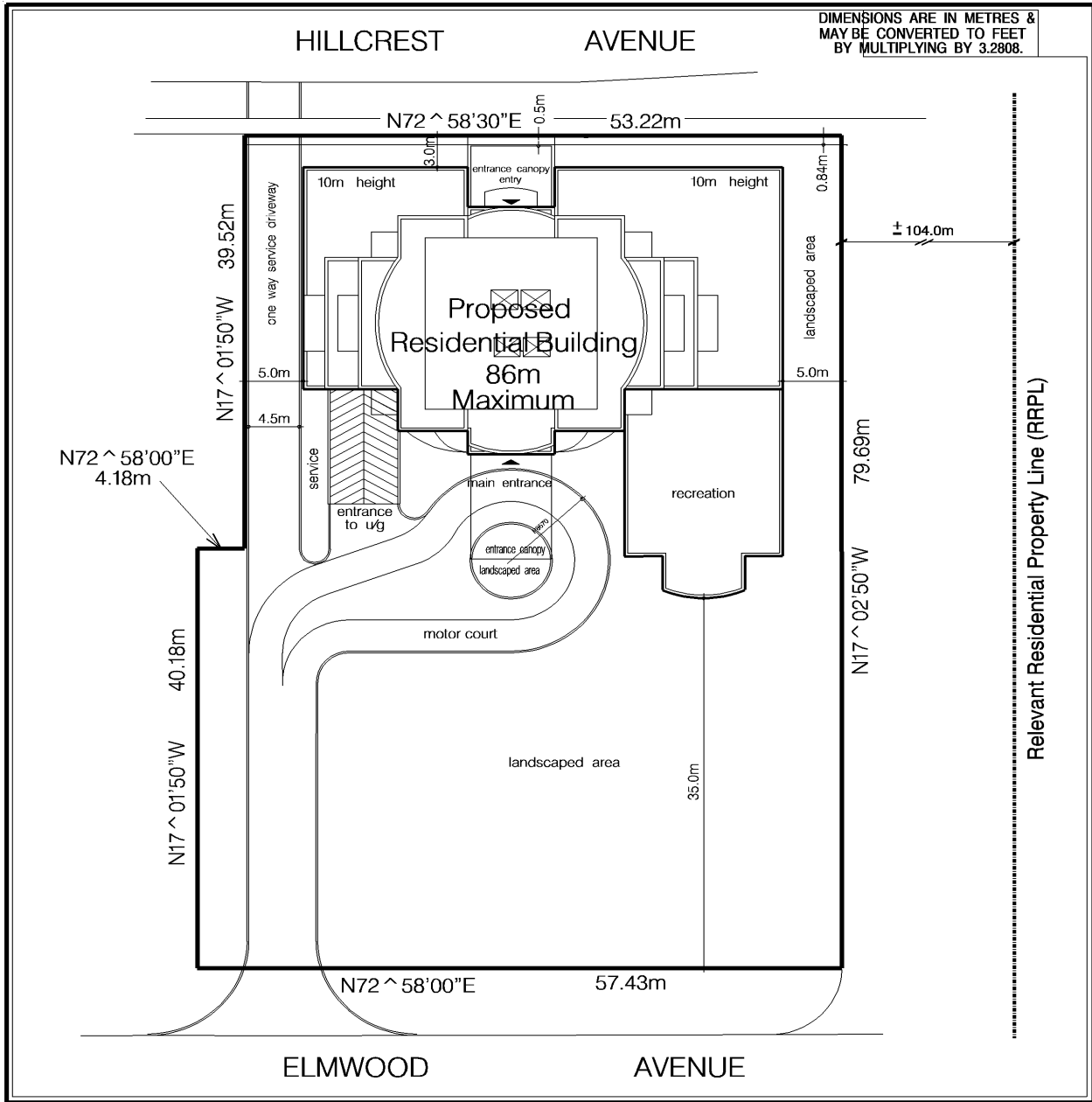


TORONTO
 City Planning Division
 North District



SUBJECT PROPERTY






This is Schedule " RM6(99) " to By-Law _____
passed the _____ day of _____, 20 _____

(Sgd.) _____ (Sgd.) _____
 CLERK MAYOR


Location: R.P. 1609 , lots 458 - 460 & pt. of lot 457 , R.P. 1801 lots 618 - 623 & pt. of lots 617 & 624

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City Planning Division
North District



SUBJECT PROPERTY

