

Authority: Ontario Municipal Board Order issued on September 11, 2015 and July 12, 2017
in Board File PL141473

CITY OF TORONTO

BY-LAW 1032-2018(OMB)

To amend former City of North York Zoning By-law 7625 with respect to the lands municipally known as 3100 Keele Street.

Whereas the Ontario Municipal Board pursuant to its decision issued on September 11, 2015 and Order issued on July 12, 2017 in respect of Board File PL141473 after hearing the appeal under Section 34(11) of the *Planning Act*, R.S.O. c. P.13, as amended, deems it advisable to amend the Zoning By-law for the former City of North York, being By-law 7625; 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 and/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 the Official Plan for the City of Toronto contains 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 and/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 and/or 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 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 569-2013 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 authorizes former City of North York By-law 7625, as amended, to be further amended as follows:

1. Schedule "C" of By-law 7625, as amended, of the former City of North York is amended in accordance with Schedule A of this By-law by deleting the existing One-Family Detached Dwelling Fifth Density (R5) Zone, and replacing it with the Multiple-Family Dwellings Sixth Density RM6(254) Zone with Exception 254, and the Greenbelt (G) Zone.

2. Except as otherwise provided herein, the provisions of By-law 7625, as amended, shall continue to apply to the *lot* which shall be defined as those lands municipally known in the year 2017 as 3100 Keele Street and as delineated by heavy lines on Schedule A, attached to and forming part of this By-law.
3. Zoning By-law 7625, as amended, is further amended by inserting a new section 64.20-A(254) as follows:

"64.20-A(254) RM6(254)

PERMITTED USES

- a) The following uses are permitted in addition to those permitted in the RM6 Zone:
 - i) Retail store, service store, service shop, personal service shop, business office, professional office and professional medical office, restaurant, and take-out restaurant, provided that the total gross floor area of all such uses is no more than 400 square metres.

EXCEPTION REGULATIONS

LANDSCAPING

- b) Notwithstanding Section 15.8(a), an area of 2,750 square metres of landscaping shall be provided.
- c) Notwithstanding Section 15.8(b) and (c), landscaping in the Keele Street and Maryport Avenue yards may include sidewalks, stairs, and other hard landscaping elements.

LOT COVERAGE

- d) Notwithstanding Section 20-A.2.2, the maximum lot coverage for all buildings shall be fifty (50) percent.

YARD SETBACKS

- e) Notwithstanding Sections 15.6 and 20-A.2.4, the minimum setbacks and building envelopes shall apply as shown on Schedule A1 attached to this By-law.
- f) Notwithstanding (e) above, the minimum yard setbacks for parking structures and structures associated thereto below established grade shall be 0.0 metres.

- g) Notwithstanding Section 6(9), canopies, bay windows, balconies, stairs, landings and other similar structures shall be permitted to project into the minimum yard setbacks as shown on Schedule A1.

DISTANCE BETWEEN BUILDINGS AND/OR PORTIONS OF BUILDINGS FORMING COURTS

- h) The provisions of Section 20-A.2.4.1 (distance between buildings and/or portions of buildings forming courts) shall not apply.

GROSS FLOOR AREA

- i) Notwithstanding Section 20-A.2.5, the total gross floor area above grade permitted for all uses shall not exceed 26,500 square metres.

BUILDING HEIGHT

- j) Notwithstanding Sections 6(13), 20-A.2.6, and Schedule "D", the maximum building height shall be as shown on Schedule A1, with no building exceeding a maximum height of 36 metres to the top of the roof above the established grade of 177.35 metres Above Sea Level. Mechanical penthouses, parapets, roof top mechanical equipment, (including electrical, utility, and ventilation equipment), curbs and guard rails, enclosed stairwells, maintenance equipment storage, elevator shafts, chimneys, vents, and water supply facilities, balcony and terrace dividers, railings, planters, trellises and other decorative landscape elements, window washing equipment, roof assemblies (including decking and pavers), solar panels, solar hot water heaters, structural enclosures in association with any rooftop elements, and lobby areas for access to roof top amenity areas are permitted above the maximum building height, up to a maximum of 5 metres above the top of the building roof provided no railings or planters will puncture the 45 degree angular plane measured from the property line at a height of 28.8 metres above the established grade of 177.35 metres Above Sea Level.

PARKING AND LOADING

- k) Notwithstanding Section 6A(2)(a), vehicle parking spaces shall be provided as follows:
- i) Parking for dwelling units with one bedroom or less shall be provided at a rate of 0.8 spaces per unit;
 - ii) Parking for dwelling units with two bedrooms shall be provided at a rate of 0.9 spaces per unit;
 - iii) Parking for dwelling units with three bedrooms or more shall be provided at a rate of 1.1 spaces per unit;

- iv) Parking spaces for visitors to the residential uses shall be provided at a rate of 0.15 spaces per unit of any size;
- v) Parking spaces for retail store, restaurant, take-out restaurant, service store, service shop, personal service shop, business office, and professional office uses shall be provided at a rate of 1.0 spaces for each 100 square metres of gross floor area;
- vi) Parking spaces for *professional medical office* uses shall be provided at a rate of 1.5 spaces for each 100 square metres of gross floor area;
- l) Sections 6A(8)(b), (c), and (d) shall not apply to parking spaces located within a below grade structure;
- m) Loading for all types of dwelling units shall be provided in accordance with Section 6A(16)(a)(iv).

AIRPORT HAZARD MAP (SCHEDULE "D")

- n) Schedule "D" (Airport Hazard Map) of Zoning By-law 7625, shall not apply to the said lands.

BY-LAWS NO LONGER IN EFFECT

- o) By-laws 15284, 28010, and 28430 are no longer in effect insofar as they relate to the said lands.

SECTION 37

- p) Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this exception are permitted subject to compliance with the conditions set out in this exception and in return for the provision by the Owner of the site of the facilities, services and matters set out in this clause, the provisions of which shall be secured by an agreement or agreements pursuant to Subsection 37(3) of the *Planning Act* and in a form satisfactory to the City with conditions providing for indexed escalation of financial contributions (where specified), no credit for development charges(except where specified), indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement. Upon execution and registration of an agreement or agreements with the Owner of the site, pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out herein, the site is subject to the provisions of this exception, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the Owner may not erect or use such building until the Owner has satisfied the said requirements. The Owner of the site, 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, including the following:

- (i) Prior to the issuance of the first above **grade** building permit the owner shall:
 - (a) provide a cash contribution of \$600,000 to be applied to the following:
 - i. \$550,000 to be used towards capital improvements to parkland in Ward 9 at the discretion of the General Manager, Parks, Forestry and Recreation and the Ward Councillor; and
 - ii. \$50,000.00 to be used towards capital improvements to the new parkland abutting the south boundary of the Site at the discretion of the General Manager, Parks, Forestry and Recreation and the Ward Councillor.
 - (b) register a Restriction pursuant to section 118 of the *Land Titles Act*, on title to the Park, which restriction shall provide as follows:

"No sale, transfer, lease, disposition, charge or other dealing with Part ____ on Plan 66R-_____, City of Toronto, or any part thereof, shall be registered without the written consent of the General Manager, Parks, Forestry and Recreation, City of Toronto."
 - (c) submit to the City the necessary plans and cost estimate for the Base Park Improvements to the parkland to be approved by the General Manager, Parks, Forestry and Recreation; and
 - (d) provide to the City an irrevocable Letter of Credit in the amount of 120 percent of the value of the Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation. The Owner acknowledges and agrees that no credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with Base Park Improvements.
- (ii) The cash amount of \$600,000 shall be indexed upwardly in accordance with the Statistics Canada Non-Residential

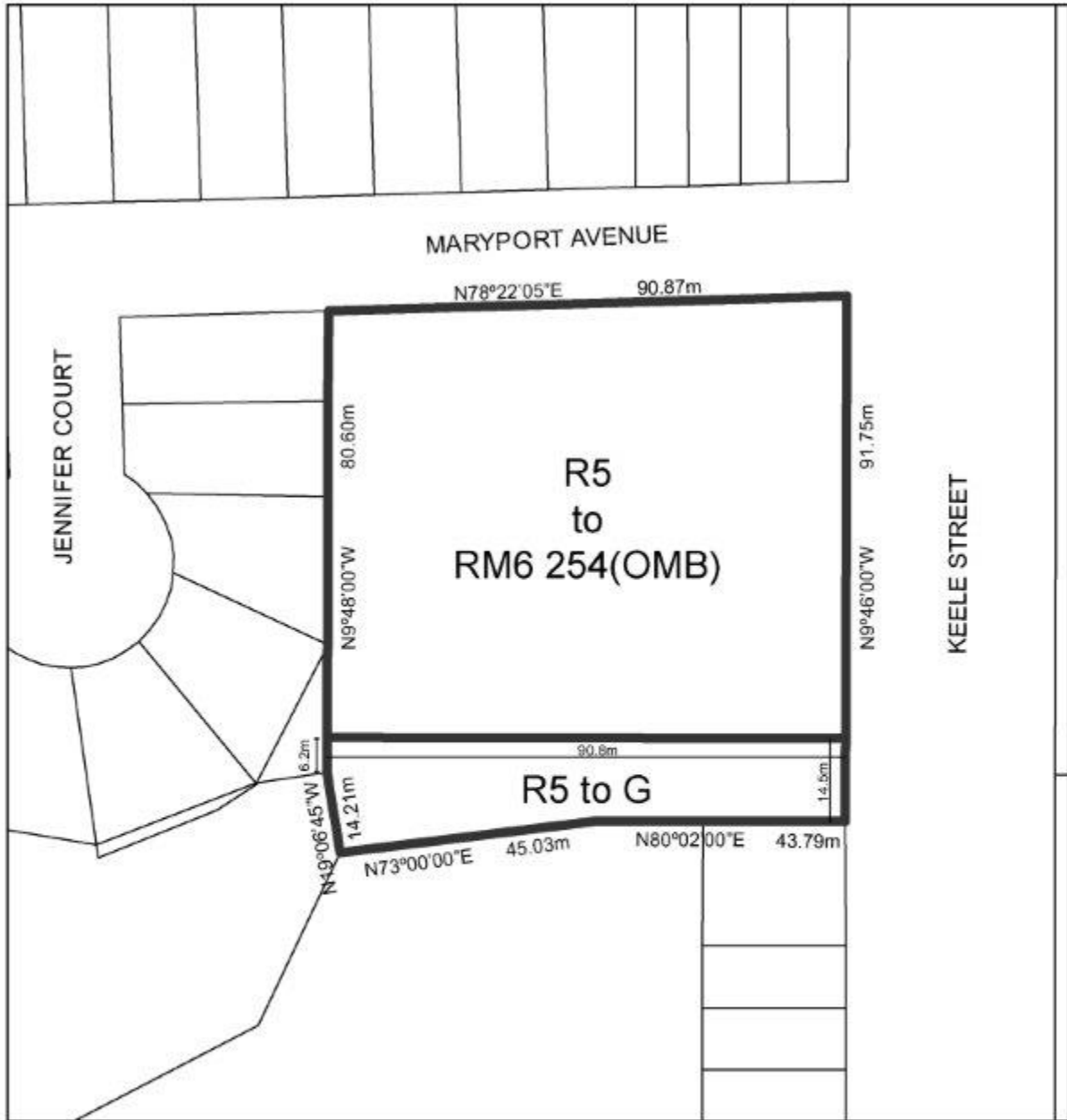
Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment.

- (iii) The Owner shall convey to the City a minimum of 600 square metres of parkland over and above the statutory parkland conveyance required under Section 42 of the *Planning Act* for a minimum parkland dedication of 1424 square metres. The location of the parkland is generally identified and illustrated on Schedules A and A1 as the lands to be zoned "ON".

4. Other Provisions of the By-law.

Except as amended in this By-law, all the other provisions of By-law 7625 shall apply to the lands.

Ontario Municipal Board Order issued on September 11, 2015 and July 12, 2017 in Board File PL141473.



Schedule A

Block C & Part of Block B Registered Plan M-879, City of Toronto
Schaeffer Dzaldov Bennett Ltd

File # 13 241316 NNY 09 02

Date: 07/18/2018
Approved by: B.D



