

Authority: North York Community Council Item NY32.2, adopted, by City of Toronto Council on July 23, 24, 25, 26, 27, and 30 2018

## CITY OF TORONTO

### BY-LAW 376-2020

**To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2019 as 905 Don Mills Road.**

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; 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 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 height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provisions 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 569-2013, as amended, is permitted in return for the provision of the facilities, services and matters set out in the By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines from CL 1.0 (x266) to RA (d1.5) (x126), as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.7.10 Exception Number (126) so that it reads:

**Exception RA 126**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 905 Don Mills Road, if the requirements of Section 5 and Schedule A of By-law 376-2020 are complied with, the erection or use of a **building, structure**, addition or enlargement for a **retirement home** or **nursing home** is permitted in compliance with (B) to (N) below;
- (B) A maximum of 150 **bed-sitting rooms** are permitted;
- (C) Despite Clause 15.10.40.40, the permitted maximum **gross floor area** is 11,604 square metres;
- (D) Despite Clause 15.5.40.40, the **gross floor area** of a **nursing home** or a **retirement home** may be reduced by the area in the **building** used for those areas described for an **apartment building** in regulation 15.5.40.40(1) and by the area used for indoor **amenity space** required by (K) below;
- (E) For purposes of this Exception, **established grade** is the Canadian Geodetic Datum of 139.65 metres;
- (F) Despite regulations 15.10.40.10(1) and (2), the permitted maximum **building** height is as shown on Diagram 3 of By-law 376-2020;
- (G) Despite Clause 15.5.40.10, functional elements of the **building** may exceed the permitted maximum height as follows:
  - (i) Mechanical penthouses, elevator overruns, window washing equipment, stairs, stair enclosures, and heating, cooling or ventilating equipment or a fence, wall or structure enclosing such elements, are permitted to exceed the height by a maximum of 5.5 metres;
  - (ii) Ornamental elements, parapets, guardrails, safety railings, vents, stacks, fences, wind or privacy screens, flues, access roof hatch, trellises, outdoor furniture and chimneys are permitted to exceed the height by a maximum of 2.5 metres; and

- (iii) Landscape elements (including **green roofs**), terraces, thermal insulation and roof ballast and skylights are permitted to exceed the height by a maximum of 0.6 metres;
- (H) Despite Clause 15.10.40.70, the required minimum **building setbacks** are as shown on Diagram 3 of By-law 376-2020;
- (I) Despite Clause 15.5.40.60, parts of the **building** may encroach into the required minimum **building setbacks** as follows:
  - (i) Ornamental cladding may encroach into the minimum **building setbacks** to a maximum of 0.2 metres;
  - (ii) Eaves, cornices, roof overhangs, lighting fixtures, pilasters, chimney breasts, bay windows, window sills and other minor architectural projections may encroach into the minimum **building setbacks** a maximum of 0.5 metres;
  - (iii) Balconies, awnings and canopies may encroach into the minimum **building setbacks** a maximum of 3.5 metres;
  - (iv) Decks and terraces at-grade may encroach into the minimum **building setbacks** a maximum of 4.5 metres;
  - (v) Pergolas, trellises, exterior stairways, wheelchair ramps, stair enclosures, guardrails, balustrades, safety railings, bollards, fences, landscape elements and retaining walls may encroach into the minimum **building setbacks** to the **lot line** if they are no higher than 3.5 metres above the **established grade**; and
  - (vi) Transformers may encroach into the minimum **building setbacks** to the **lot line** if they are no higher than 2.3 metres above the **established grade**;
- (J) Despite regulation 15.10.30.40(1), the permitted maximum **lot coverage** is 65 percent;
- (K) A minimum of 4.0 square metres of **amenity space** must be provided per **bed-sitting room** of which:
  - (i) at least 2.0 square metres for each **bed-sitting room** must be indoor **amenity space**;
  - (ii) at least 40.0 square metres is outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**; and
  - (iii) no more than 25 percent of the outdoor component may be a **green roof**;

- (L) Despite regulation 15.5.50.10.(1), a minimum of 900 square metres of the **lot** must be used for **landscaping**, of which at least 400 square metres must be **soft landscaping**;
- (M) Despite regulation 200.15.1(4), accessible **parking spaces** are permitted to be located at any location on the P1 level; and
- (N) Despite Clause 230.5.10.1, a minimum of 17 "short term" and "long term" **bicycle parking spaces**, in total, must be provided for the combined use of staff, visitors, and residents.

Prevailing By-laws and prevailing Sections: (None Apply)

## 5. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Schedule A of this By-law 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.

Enacted and passed on May 28, 2020.

Frances Nunziata,  
Speaker

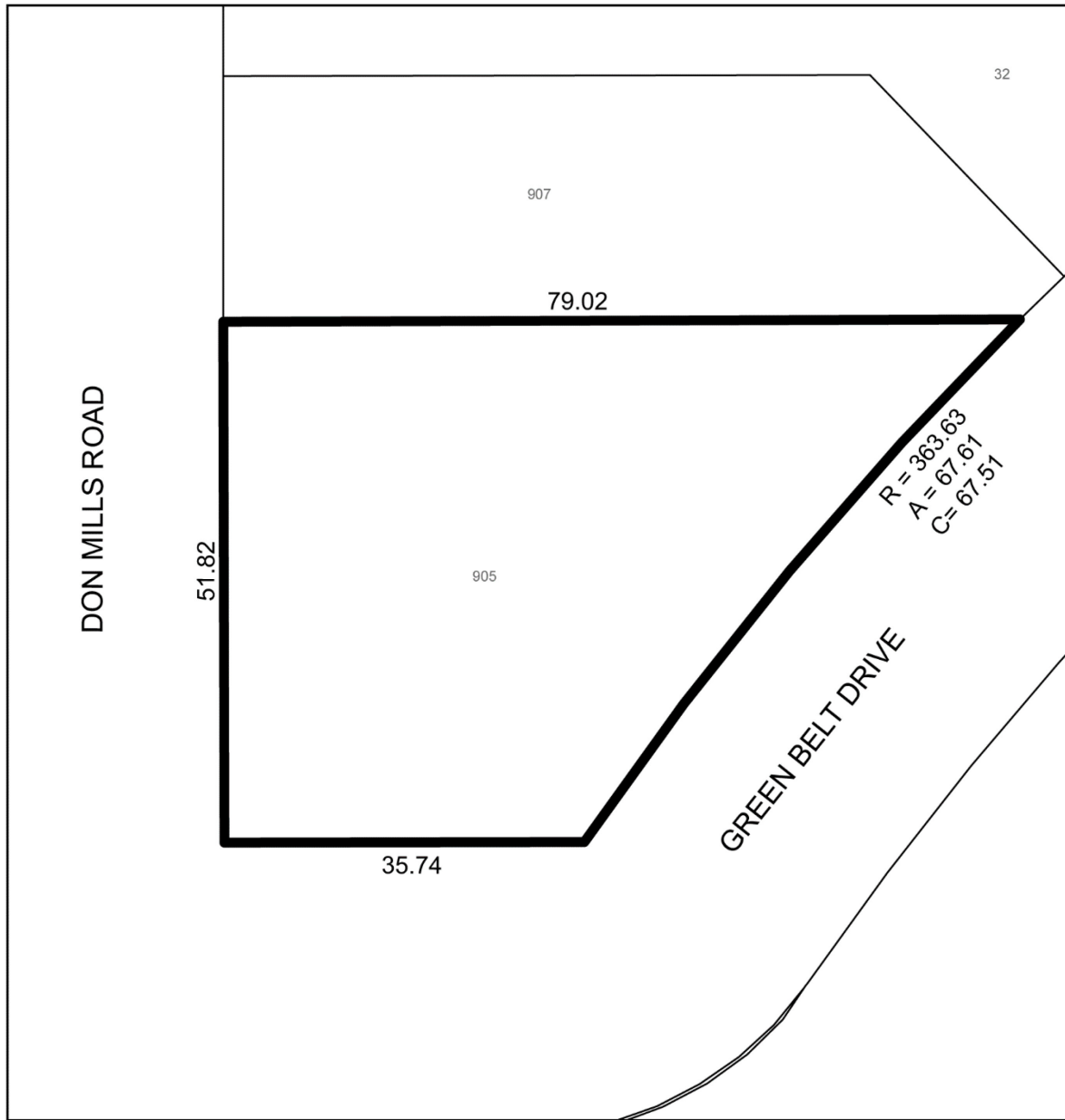
Ulli S. Watkiss,  
City Clerk

(Seal of the City)

**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 as shown in Diagram 1 in this By-law 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 building permit for a temporary sales and/or leasing office/pavilion the owner shall make a financial contribution to the City in the amount of \$550,000.00 to be allocated as follows at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor:
  - (i) \$550,000.00 to be directed towards recreational facilities located within the vicinity of the application site, with such amount to be indexed upwardly in accordance with the Statistics Canada Apartment Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made; and
  - (ii) Should the financial contribution not be directed towards the option above, the contribution should be directed towards streetscape improvements along The Donway East.
2. In the event the cash contribution referred to in Section (1) 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, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
3. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard.
4. The Owner shall provide the following Transportation Demand Management measures, to the satisfaction of the Director of Community Planning, North District:
  - (i) The provision of at least one car-share space at a location toward the northeastern boundary of the site;
  - (ii) At least one low-emission vehicle priority and electric vehicle charging facility at a publicly accessible location;
  - (iii) Provide a safe layby format and designated pick-up-and-drop-off spaces at the building entrance, including the use of ride-share/taxi services; and
  - (iv) Smart transportation information display at the main entrance on the ground floor.

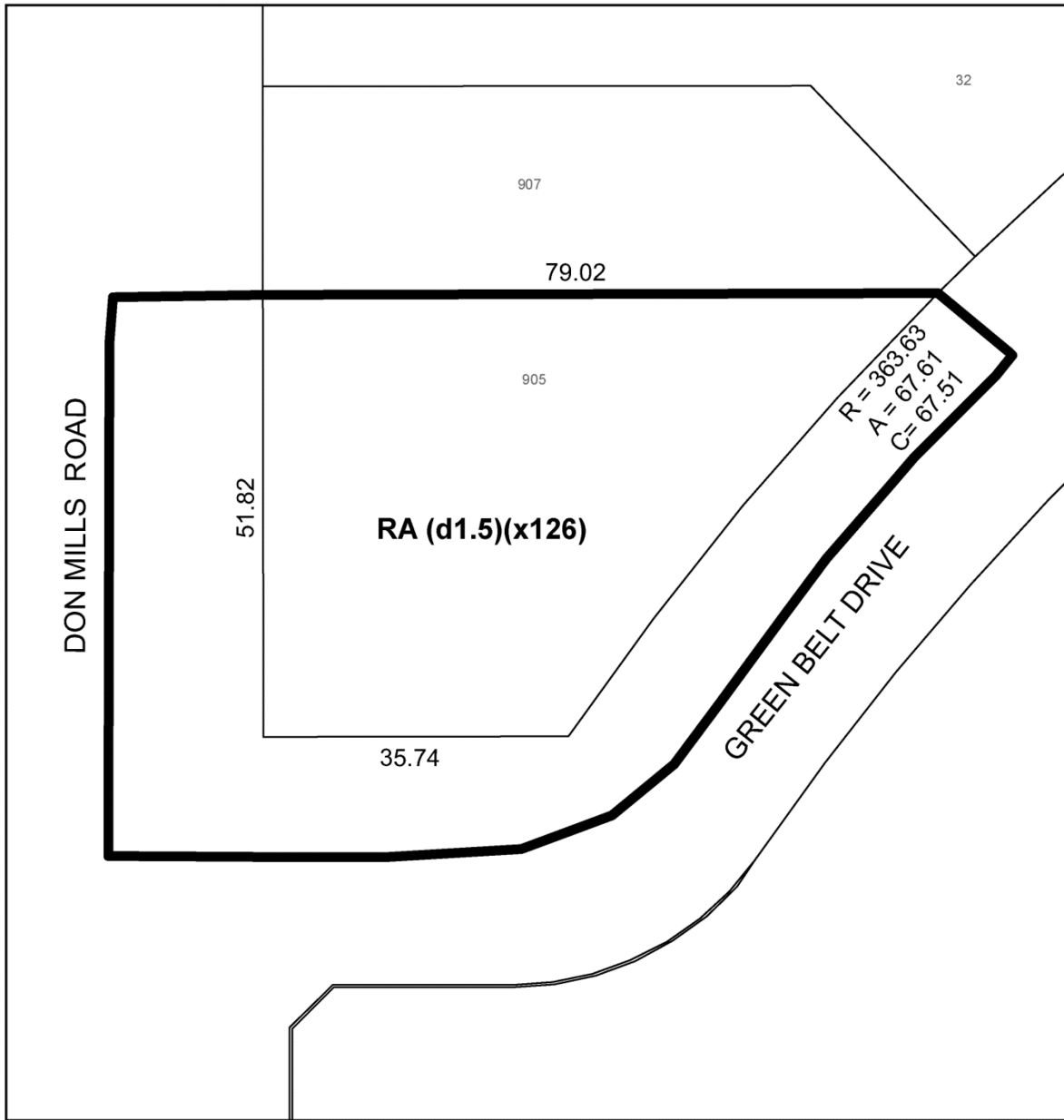


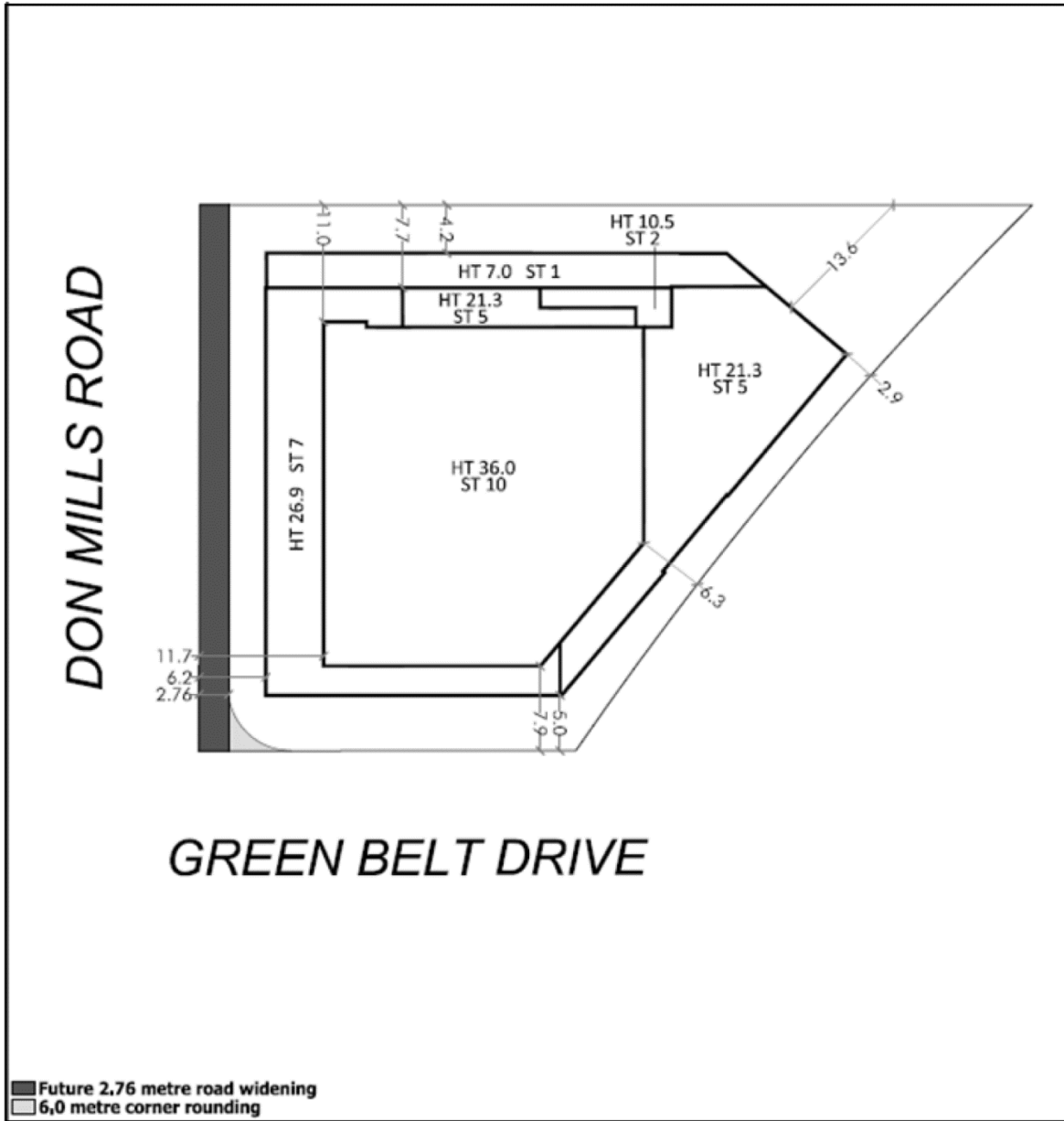
 **TORONTO**  
Diagram 1

905 Don Mills Road

File # 16 269987 NNY 34 0Z

  
City of Toronto By-law 569-2013  
Not to Scale  
5/30/2018





 **TORONTO**  
Diagram 3

905 Don Mills Road

File # 16 269987 NNY 34 OZ