

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 377-2020

To amend former City of North York Zoning By-law 7625, 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 pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act may authorize increases in height and 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, 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 density permitted beyond that otherwise permitted on the aforesaid lands by By-law 7625, 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 Council of the City of Toronto enacts:

1. Schedules "B" and "C" of By-law 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 7625 of the former City of North York is amended by adding the following subsection:

"64.20-A (252) RM6(252)

DEFINITIONS

a. **Established Grade**

For the purpose of this exception, Established Grade shall mean 139.65 metres Canadian Geodetic Datum.

b. **Retirement Residence**

For the purpose of this exception, Retirement Residence shall mean a building or structure that provides semi-independent living accommodation for senior citizens in bed-sitting rooms and dwelling units, where each unit has sanitary facilities and food preparation facilities, and where common facilities are provided for the preparation and consumption of meals. This may also include regular nursing care and medical care facilities.

c. **Bed-sitting Room**

For the purposes of this exception, Bed-sitting Room shall mean a space used as separate living accommodation that has sanitary facilities and may have food preparation facilities and may include one or more bedrooms.

d. **Nursing Home**

For the purposes of this exception, Nursing Home shall mean a dwelling in which lodging with meals is provided to persons who require nursing care.

e. **Gross Floor Area**

For the purposes of this exception, Gross Floor Area shall mean the sum of the total area of each floor level of a building, above-grade, measured between the outside walls of the building at the level of each floor but excluding:

- i. all below-grade areas, including parking, bicycle parking and storage, stairs, bicycle storage, garbage rooms;
- ii. exit stairwells, and any part of a building used for mechanical floor area including elevator and garbage shafts;
- iii. required loading spaces at the ground level and required bicycle parking spaces at or above grade; and
- iv. indoor recreational amenity area.

f. **Mechanical Floor Area**

For the purposes of this exception, Mechanical Floor Area means 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 including shafts.

g. **Type G Loading Space**

For the purposes of this exception, Type G Loading Space means a loading space that is a minimum of 4.0 metres wide, 13.0 metres long and has a minimum vertical clearance of 6.1 metres.

PERMITTED USES

- h. As shown on Schedule RM6(252), the only permitted uses shall be:
- i. Retirement Residence and accessory uses including common lounges, recreation facilities, medical care facilities and nursing care.
 - ii. Nursing Home

EXCEPTION REGULATIONS

i. **Bed-Sitting Rooms**

The maximum number of Bed-sitting Rooms shall be 150.

j. **Gross Floor Area**

The maximum gross floor area shall be 11,604 square metres.

k. **Building Height**

- i. The building height shall not exceed the maximum in metres shown on Schedule RM6(252), measured from established grade. The measurement of height shall exclude mechanical penthouses, parapets, any roof structures used only as ornaments, and stairwells to access the roof;
- ii. Landscape elements (including green roofs), terraces, thermal insulation and roof ballast and skylights are permitted to exceed the maximum building height on Schedule RM6(252) by a maximum of 0.6 metres;
- iii. Ornamental elements, parapets, guardrails, safety railings, vents, stacks, fences, wind or privacy screens, flues, access roof hatch, trellises, outdoor furniture and chimneys may exceed the maximum building height on Schedule RM6(252) by no more than 2.5 metres;
- iv. A penthouse or roof structure which is used only to house mechanical equipment of the building or stairwells to access the roof does not constitute a storey and will be disregarded in calculating the building

height in storeys and in metres provided it shall not exceed a height of 5.5 metres.

l. Number of Storeys

The number of storeys above established grade shall not exceed the maximums as shown on Schedule RM6(252). The measurement of storeys shall exclude mechanical penthouses, parapets, any roof structures used only as ornaments, and stairwells to access the roof.

m. Lot Coverage

The maximum lot coverage shall be 65 percent.

n. Building Stepbacks

The building stepbacks will not be less than the minimum distance in metres as shown on Schedule RM6(252).

o. Yard Setbacks

Notwithstanding By-law Section 20-A.2.4 and the list of permitted projections listed in subsection (q) below, the minimum yard setbacks for all buildings and structures shall not be less than the minimum distances in metres as shown on Schedule RM6(252).

p. Recreational Amenity Area

i. Indoor recreational amenity area shall be provided in accordance with the following minimum requirements:

1. A minimum of 2.0 square metres for each bed-sitting room; and

ii. Outdoor recreational amenity area shall be provided in accordance with the following minimum requirements:

2. at least 40.0 square metres of outdoor recreational amenity area in a location adjoining or directly accessible to the indoor recreational amenity area.

q. Permitted Projections

Notwithstanding Sections 2. n. and o. above, no portion of any building or structure erected or used above established grade shall be located otherwise than wholly within the area delineated by heavy lines on Schedule RM6(252), with the exception of the following:

- i. Ornamental cladding, which may encroach into the minimum yard setbacks on the lot 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, all of which are permitted to project into the minimum yard setbacks on the lot to a maximum of 0.5 metres;
- iii. Balconies, awnings and canopies, all of which may encroach into the minimum yard setbacks on the lot to a maximum of 3.5 metres;
- iv. Decks and terraces at-grade, which may encroach into the minimum yard setbacks on the lot to a maximum of 4.5 metres;
- v. Pergolas, trellises, exterior stairways, wheelchair ramps, stair enclosures, guardrails, balustrades, safety railings, bollards, fences, landscape elements, retaining walls, all of which may encroach into the minimum yard setbacks on the lot, and may project vertically above finished ground level by no more than 3.5 metres; and
- vi. Transformers, which may encroach into the minimum yard setbacks on the lot and may project vertically above the finished ground level by no more than 2.3 metres.

r. **Vehicle Parking**

Notwithstanding Section 6A(2), parking spaces shall be provided and maintained at a minimum rate of 0.3 parking spaces per bed-sitting room of a Retirement Residence for the combined use of staff, visitors, and residents.

s. **Loading Spaces**

A minimum of one Type G loading space shall be provided.

t. **Bicycle Parking Spaces**

A minimum of 17 bicycle parking spaces shall be provided, for the combined use of staff, visitors, and residents.

u. **Provisions not applicable**

The provisions of Sections 6(9), 6(24), 6(26), 6(A)(2), 15.8, 20-A.1(b)(iv), 20-A.2.2, 20-A.2.4, 20-A.2.5, and 20-A.2.6 of By-law 7625 do not apply.

v. **Division of Lands**

Notwithstanding any existing or future severance or division of the lands subject to this exception and as shown on Schedule RM6(252), the regulations of the exception shall continue to apply to the whole of the lands.

3. SECTION 37

- 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 Schedule 1 for the development as shown on Schedule RM6(252) 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

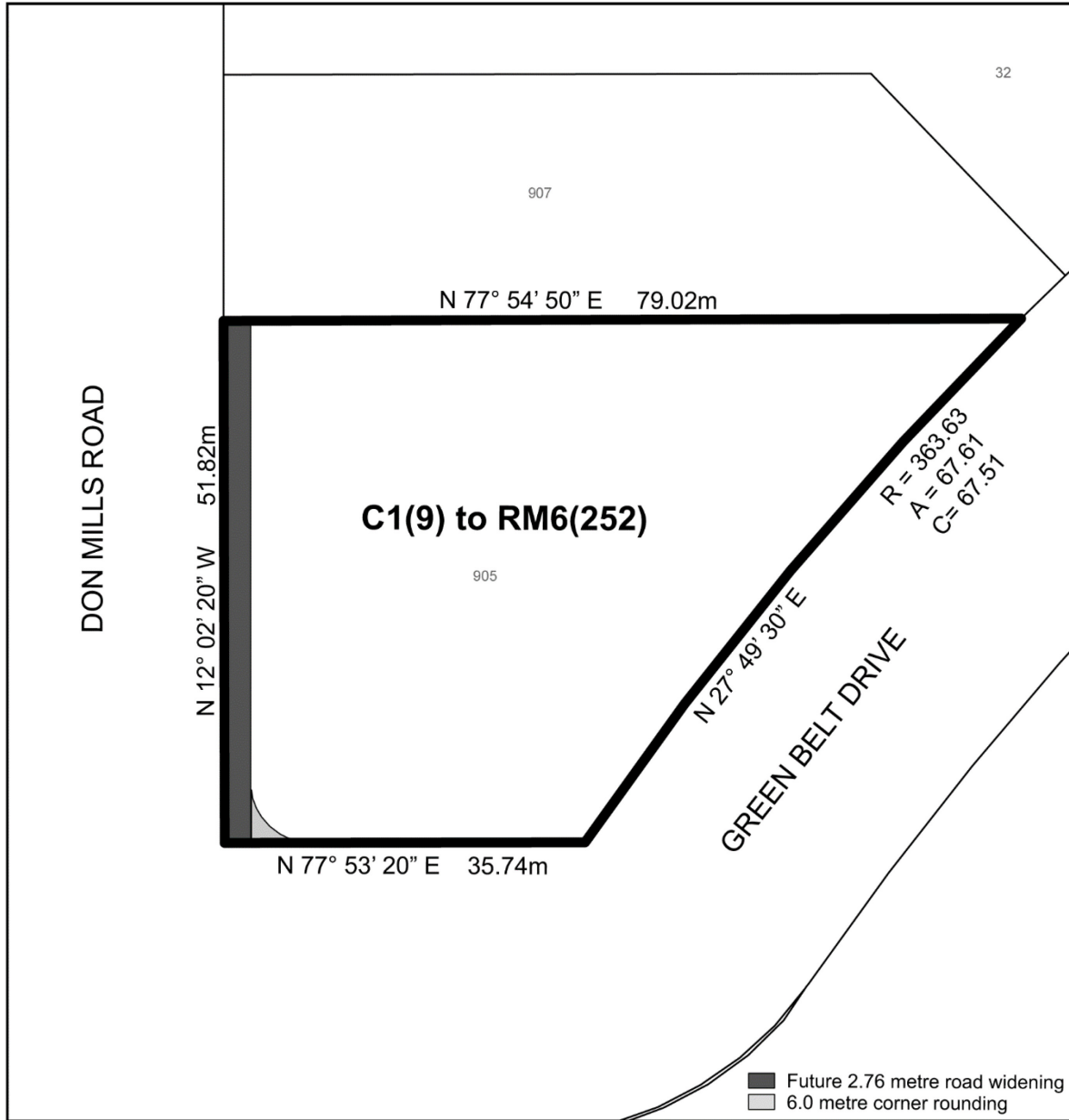
Ulli S. Watkiss,
City Clerk

(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 Schedule 1 of 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;
 - 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.



905 Don Mills Road

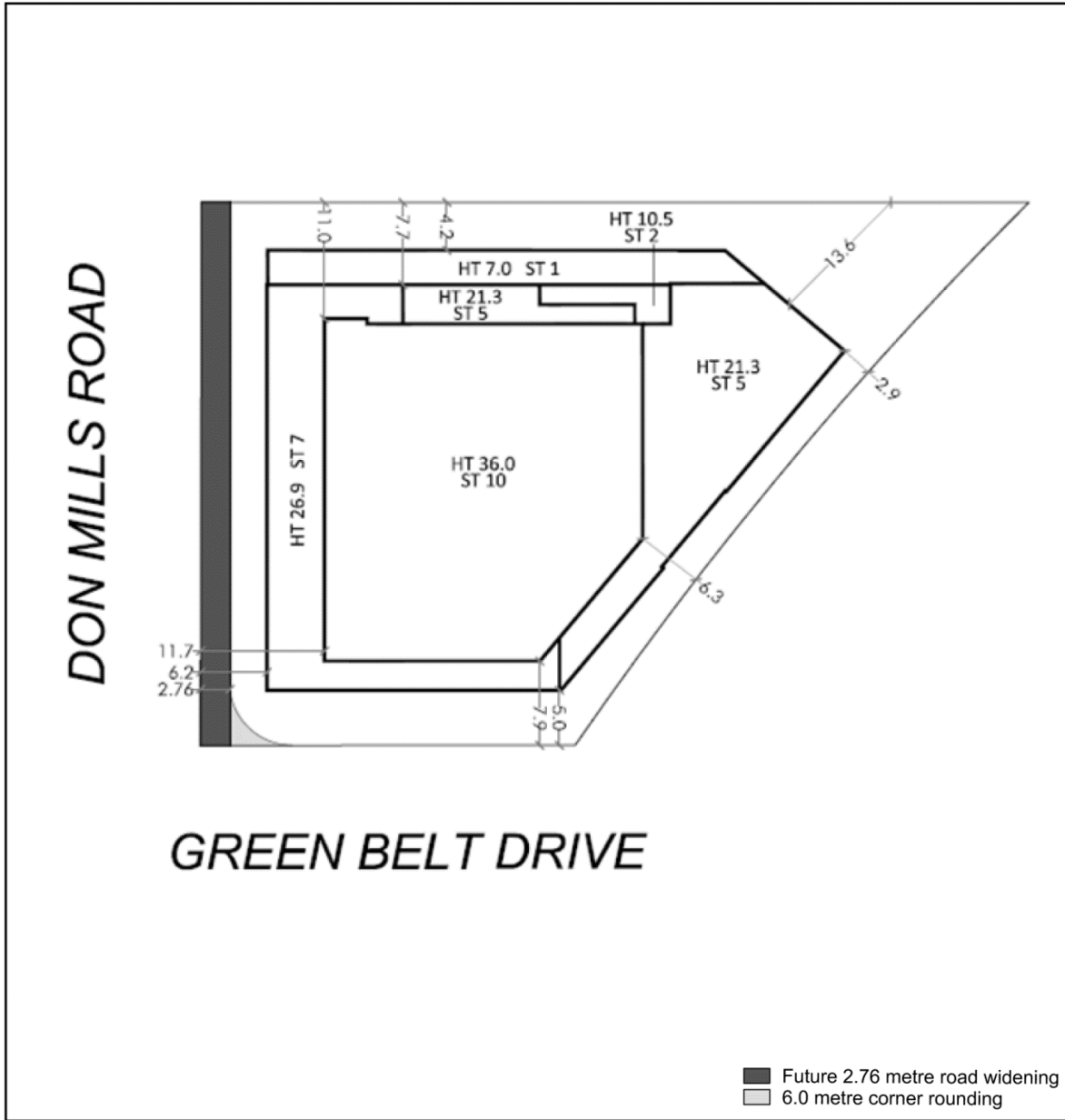
Schedule 1



File # 16 269987 NNY 34 OZ

Date: 05/30/2018
Approved by: K.M.

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Not to Scale



905 Don Mills Road
Schedule RM6 (252)



File # 16 269987 NNY 34 0Z

Date: 06/18/2018
Approved by: K.M.

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Not to Scale