

Authority: Ontario Municipal Board Decision issued
February 1, 2017, Local Planning Appeal Tribunal
Decisions/Orders issued February 26, 2019 and
July 15, 2020 in Tribunal File PL160704

CITY OF TORONTO

BY-LAW 671-2020(LPAT)

To amend former City of North York Zoning By-law 7625, as amended, with respect to the lands municipally known as 740-750 York Mills Road and 17 Farmstead Road.

Whereas the Ontario Municipal Board Decision issued February 1, 2017, Local Planning Appeal Tribunal Decision/Order issued February 26, 2019 and July 15, 2020 in Tribunal File PL160704, upon hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, deems it advisable to amend By-law 569-2013, as amended, with respect to lands municipally known as 740 and 750 York Mills Road and 17 Farmstead Road;

Therefore By-law 7625, as amended, of the former City of North York, is further amended by the Local Planning Appeal Tribunal, as follows:

1. Schedules "B" and "C" of By-law 7625 of the former City of North York are amended in accordance with Schedule 1 attached to this By-law.
2. Section 64.20-A – **EXCEPTIONS TO RM6 ZONE (MULTIPLE-FAMILY DETACHED DWELLINGS SIXTH DENSITY ZONE)** of By-law 7625 is amended by adding the following subsection:

64.20-A (243) RM6(243)

DEFINITIONS

- (a) For the purpose of this exception, the following definitions will apply:
 - i. **Established Grade** shall mean an elevation of 141.30 metres Canadian Geodetic Datum;
 - ii. **Gross Floor Area** means the sum of the total area of each floor level of a building, above and below established grade, measured from the exterior of the main wall of each floor level, but shall exclude: parking, loading and bicycle parking below established grade; required loading spaces and required bicycle parking spaces at or above established grade; storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement; shower and change facilities required by this By-law for required bicycle parking spaces; indoor amenity space required by this By-law; elevator shafts; garbage shafts; mechanical penthouse; and exit stairwells in the building;

- iii. **Height** shall mean the **vertical** distance between the **established grade** and the highest point of a building or structure;
- iv. **Recreational Amenity Building** means a building or part of a building used for social or recreational uses available to **all** residents of the buildings on the **lot** and may also include change, shower, gym, kitchen, and washrooms;
- v. **Bicycle Parking Space** means an area used for parking or storing a bicycle;
- vi. **Stacked Bicycle Parking Space** means a horizontal **bicycle parking space** that is positioned above or below another **bicycle parking space** and equipped with a mechanical device providing floor level access to both **bicycle parking spaces**;
- vii. **Landscaping** means an area used for trees, plants, decorative stonework, retaining walls, walkways, or other landscape or architectural elements. Driveways and areas for loading, parking or storing of vehicles are not landscaping;
- viii. **Temporary Sales Office** means a temporary building, structure, facility or trailer on the **lot** used exclusively for the purpose of marketing or sale of **dwelling units** to be erected on the **lot**;
- ix. **Temporary Parking Structure** means a temporary building, structure or part there-of on the **lot** used for the purpose of parking or storage of motor vehicles; and
- x. **Temporary Surface Parking** means an at-grade area, surfaced in asphalt, or other hard surface material, used for the temporary parking or storage of motor vehicles.

PERMITTED USES

- (b) In addition to the uses permitted in the RM6 Zone, a "**Recreational Amenity Building**" and any accessory uses shall also be permitted.
- (c) Notwithstanding the provisions of Section 20-A.1 of By-law 7625, as amended, a **temporary sales office** is permitted on the **lot** provided that:
 - i. The gross floor area of the **temporary sales office** does not exceed 150 square metres; and
 - ii. The **temporary sales office** shall be permitted for a period of 3 years from the date of enactment of this By-law.

- (d) None of the provisions of this By-law shall apply to prevent a **temporary parking structure** or **temporary surface parking** on the **lot**, provided that the temporary parking structure and temporary surface parking are located within the hatched areas identified on Schedule 3.
- (e) The Temporary Use provisions in (d) will expire two years after the issuance of an above grade building permit that satisfies the requirements set out in Article 3 Permits of Chapter 363, Building Construction and Demolition, of the City of Toronto Municipal Code.
- (f) Notwithstanding the provisions of Section 20-A.1 of By-law 7625, as amended, a hairdressing shop may be located on the ground floor, or in the basement, of an apartment house dwelling existing on December 13, 2016 on the **lot**, provided that:
- i. The gross floor area of the said hairdressing shop does not exceed 80 square metres;
 - ii. That no signs advertising the hairdressing shop shall be erected on the **lot** or affixed to the exterior of the apartment house dwelling so as to be visible from any of the adjoining streets; and
 - iii. That all other provisions of By-law 7625, as amended, are complied with.

EXCEPTION REGULATIONS

(g) **Lot**

- i. The **lot** comprises the lands delineated by heavy lines on Schedule 1 attached to and forming part of this By-law; and
- ii. No portion of any building or structure above finished ground level or below grade is located otherwise than wholly within the **lot** area delineated by heavy lines as shown on Schedule 1, attached to and forming part of this By-law.

(h) **Number of Dwelling Units**

The maximum number of residential dwelling units shall be 601 units, consisting of a maximum of 409 **apartment house dwelling** units and a maximum of 192 **multiple-attached dwelling** units.

(i) **Gross Floor Area**

The maximum **gross floor area** shall not exceed 69,500 square metres.

(j) **Yard Setbacks and Projections**

- i. The minimum yard setbacks shall be as shown on Schedule RM6(243).
- ii. Notwithstanding Section 6(9) of the former City of North York Zoning By-law 7625, and except where a heavy line on Schedule RM6(243) is contiguous with a boundary line of the site, nothing shall prevent:
 - A. External stairs and associated guardrails, balustrades and railings leading to a below grade garage from projecting a maximum of 5 metres;
 - B. Stairs and associated guardrails, balustrades and railings leading to a dwelling unit from projecting a maximum of 3.6 metres;
 - C. Decks, porches and privacy screens from projecting a maximum of 1.75 metres;
 - D. Awnings and canopies from projecting a maximum of 1.65 metres;
 - E. Balconies from projecting a maximum of 1.6 metres;
 - F. Cornices, lighting fixtures, ornamental and architectural elements, parapets, pillars, pergolas, trellises, window sills, eaves, planters, ventilation shafts, guardrails, balustrades, railings, doors, privacy screens, site servicing features, chimneys, vents, stacks, ducts, window washing equipment, from projecting a maximum of 0.75 metres; and
 - G. Underground garage ramps and associated features from projecting into the required setbacks.
- iii. Notwithstanding Section (h), accessory structures, underground garages, underground garage ramps and associated features must be setback a minimum of 3 metres from an Open Space Zone (O1).

(k) **Dwelling Unit Entrances and Window Wells**

- i. Entrances to **dwelling units** below ground level shall not be permitted for units located fronting onto Farmstead Road, Leslie Street and Mossgrove Park; and
- ii. Window wells for **dwelling units** located fronting onto Farmstead Road, Leslie Street and Mossgrove Park shall have a maximum width perpendicular from the main wall of the **dwelling unit** of 0.6 metres, a maximum depth of 0.6 metres and a maximum length parallel to the main wall of the **dwelling unit** of 1.5 metres.

(l) Distance Between Buildings

The **minimum** distance between buildings shall be as shown on Schedule RM6(243).

(m) Building Height

The **maximum** building height, measured from established grade, shall not exceed the maximum height in metres and number of storeys as shown on Schedule RM6(243), except that:

- i. Antennae, satellite dishes, enclosures housing mechanical elements, ducts, elevator enclosures, ornamental elements, architectural elements, stairs, stair enclosures, parapets, privacy screens, railings and structures on the roof of the building used for safety or wind protection purposes, may be permitted to project a maximum of 3 metres.

(n) Recreational Amenity Area

- i. Provide a minimum of 1.3 square metres of indoor **recreational amenity area** per dwelling unit;
- ii. Provide a minimum of 5.6 square metres of outdoor **recreational amenity area** per dwelling unit;
- iii. Maintain the existing 544 square meters of indoor amenity space which existed as of December 13, 2016 within the existing rental apartment buildings; and
- iv. Provide a minimum 250 square metres **recreational amenity building** on Block C, as shown on Schedule RM6(243).

(o) Vehicle Parking

- i. **Provide vehicle parking** in accordance with the following minimum requirements for Blocks A1, A2, B1 and B2 as shown on Schedule RM6(243):

A.	Studio unit	0.8 spaces per unit;
B.	1-Bedroom unit	0.9 spaces per unit;
C.	2-Bedroom unit	1.0 spaces per unit;
D.	3-Bedroom unit	1.2 spaces per unit; and
E.	Visitor	0.2 spaces per unit.

- ii. **Provide** parking in accordance with the following minimum requirements for Buildings R1, R2 and R3 as shown on Schedule RM6(243):
 - A. Resident 0.95 spaces per unit; and
 - B. Visitor 0.15 spaces per unit.
- iii. A **maximum** of 44 surface vehicle **parking spaces** may be permitted on the lot.
- iv. **Section** 6A(8) (b) does not apply to **parking spaces** located below grade.

(p) **Loading**

Provide a minimum of one 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.

(q) **Bicycle Parking**

- i. **Provide bicycle parking spaces** in accordance with the following minimum requirements for Blocks A1, A2, B1, and B2 as shown on Schedule RM6(243):
 - A. 0.68 **bicycle parking spaces** per dwelling unit for residents; and
 - B. 0.07 **bicycle parking spaces** per dwelling unit for visitors.
- ii. A bicycle **parking space** must comply with the following minimum dimensions:
 - (i) A minimum length of 1.8 metres; minimum width of 0.6 metres; and minimum vertical clearance from the ground of 1.9 metres.
- iii. A **bicycle parking space** if placed in a vertical position on a wall, **structure** or mechanical device must comply with the following minimum dimensions:
 - A. A minimum length or vertical clearance of 1.9 metres; minimum width of 0.4 metres; and minimum horizontal clearance from the wall of 1.2 metres.
- iv. If a stacked **bicycle parking space** is provided, the minimum vertical clearance for each **bicycle parking space** is 1.2 metres and the minimum width is 0.4 metres.
- v. Vertical Clearance of a Bicycle Parking Area - An area used to provide **bicycle parking spaces** must have a minimum vertical clearance of:

- A. 2.4 metres if it is a **stacked bicycle parking space**; and 1.9 metres in all other cases.
- vi. **Bicycle parking spaces** may be located:
 - A. on the first or second storey of a building;
 - B. on levels of the building below-ground commencing with the first level below-ground and moving down, in one level increments when at least 50 percent of the area of that level is occupied by **bicycle parking spaces**, until all required **bicycle parking spaces** have been provided; and
 - C. in a **stacked bicycle parking space**.
- vii. A **bicycle parking space** for a **dwelling unit** may not be located in a **dwelling unit**, on a balcony or in a storage locker.
- viii. A visitor **bicycle parking space** may be no more than 30 metres from a pedestrian entrance to a residential building on the **lot**.

(f) **Landscaping**

- i. A minimum of 10,000 square metres of **landscaping** shall be provided and maintained on the **lot**.
- ii. A minimum 3,100 square metres of privately owned publicly-accessible space shall be provided on the **lot** as shown on Schedule RM6(243).

(s) **Provisions Not Applicable**

The provisions of 6A(2) Parking Requirements, 6A(16) Loading Space Requirements (d) Access to Loading Spaces (iv), 6(23) Requirements for Accessory Buildings, 15.8 Landscaping, 20-A.1(b) Use Qualifications (i), 20-A.2.4 Yard Setbacks, 20-A.2.4.1 Distance between Buildings and/or Portions of Buildings Forming Courts, 20-A.2.5 Gross Floor Area, 20-A.2.6 Building Height, of By-law 7625 shall not apply.

(t) **Division of Land**

The provisions of this By-law shall apply collectively to this land as shown on Schedule 1 attached to this By-law, notwithstanding any future division into two or more parcels.

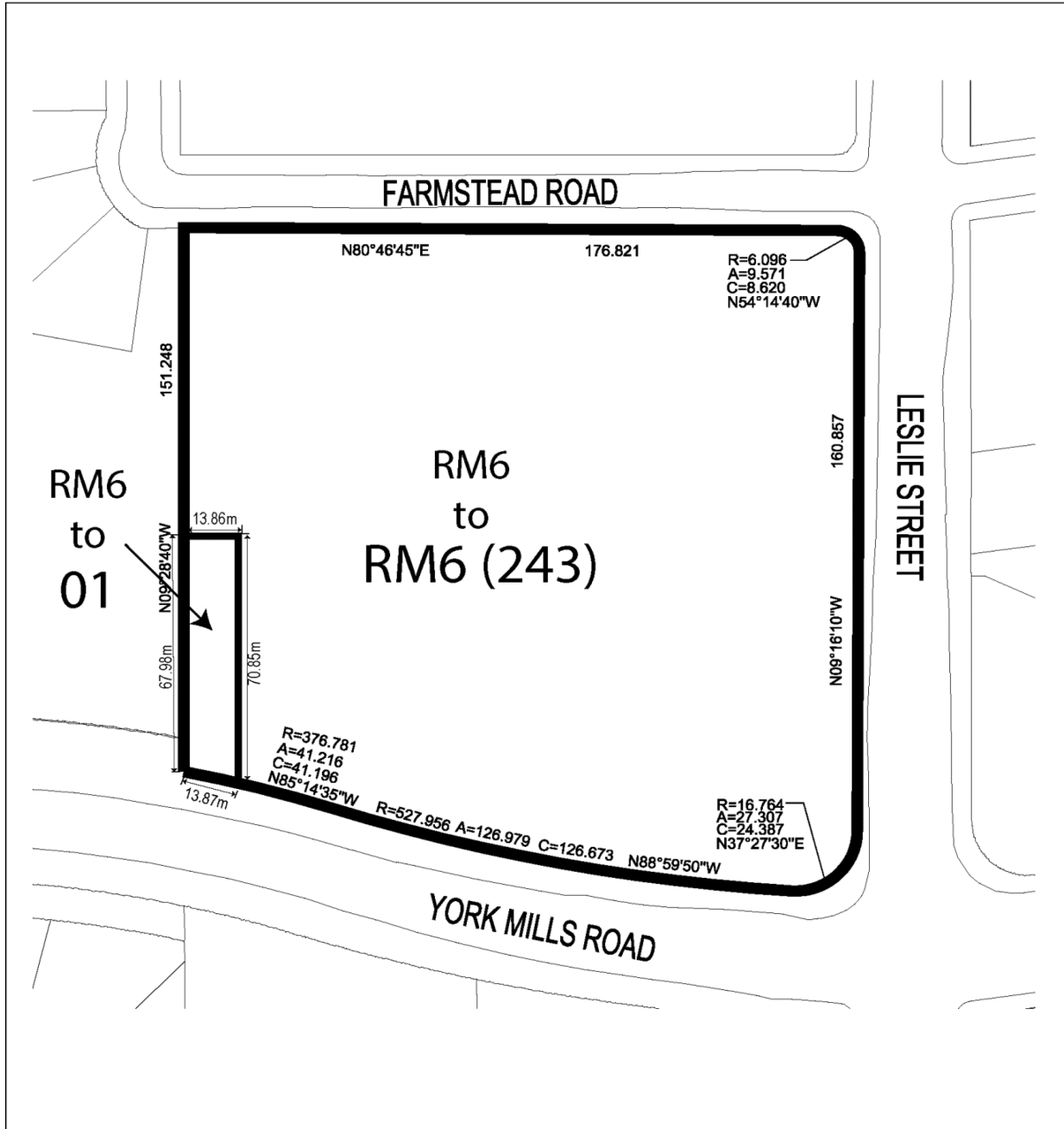
3. Section 37 Provisions

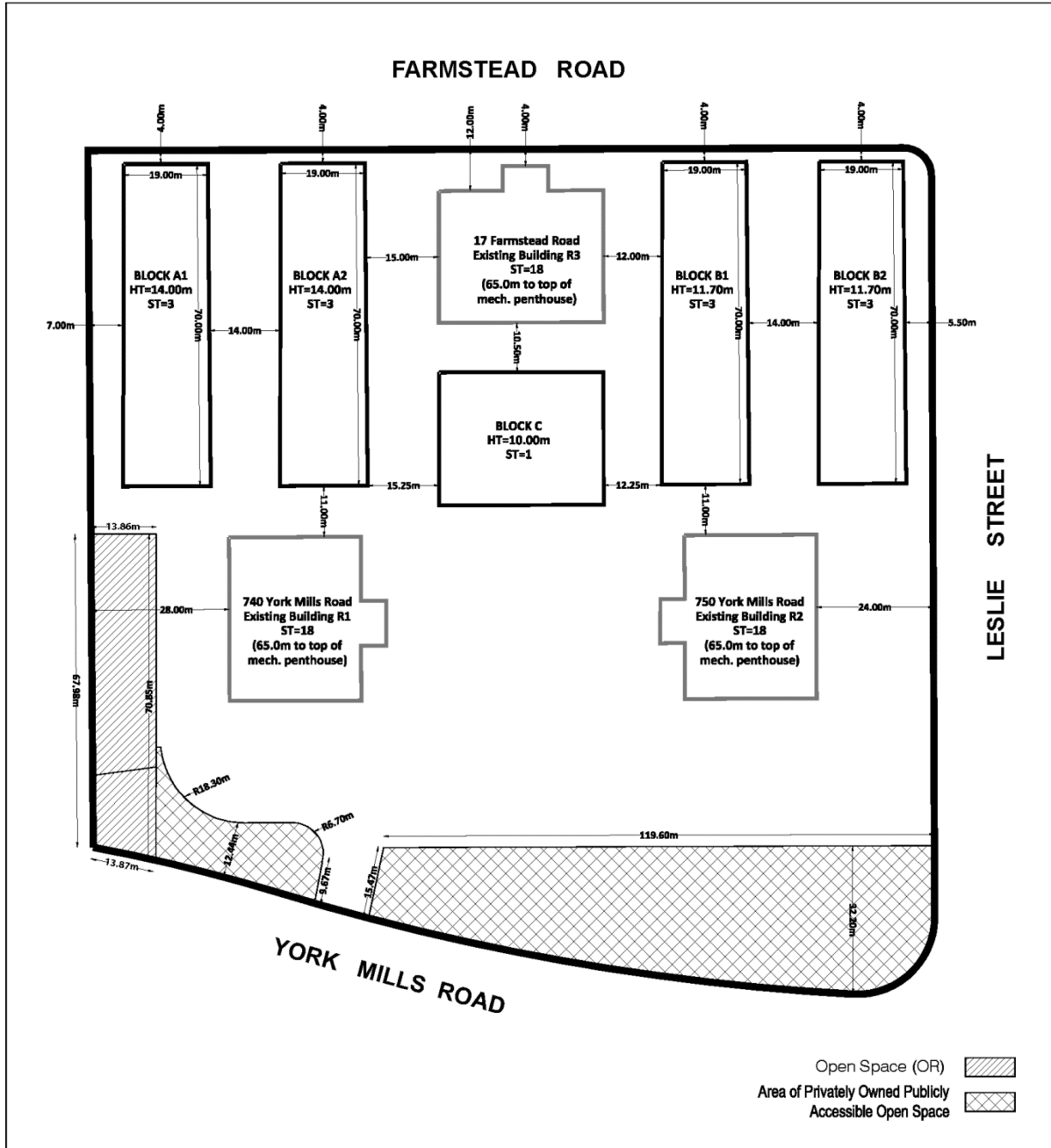
- (a) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond

that otherwise permitted on the lands shown on Schedule 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule 2 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 2 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 2 are satisfied.
4. Within the lands shown on Schedule 1 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.

Pursuant to Ontario Municipal Board Decision issued February 1, 2017, Local Planning Appeal Tribunal Decisions/Orders issued February 26, 2019 and July 15, 2020 in Tribunal File PL160704.





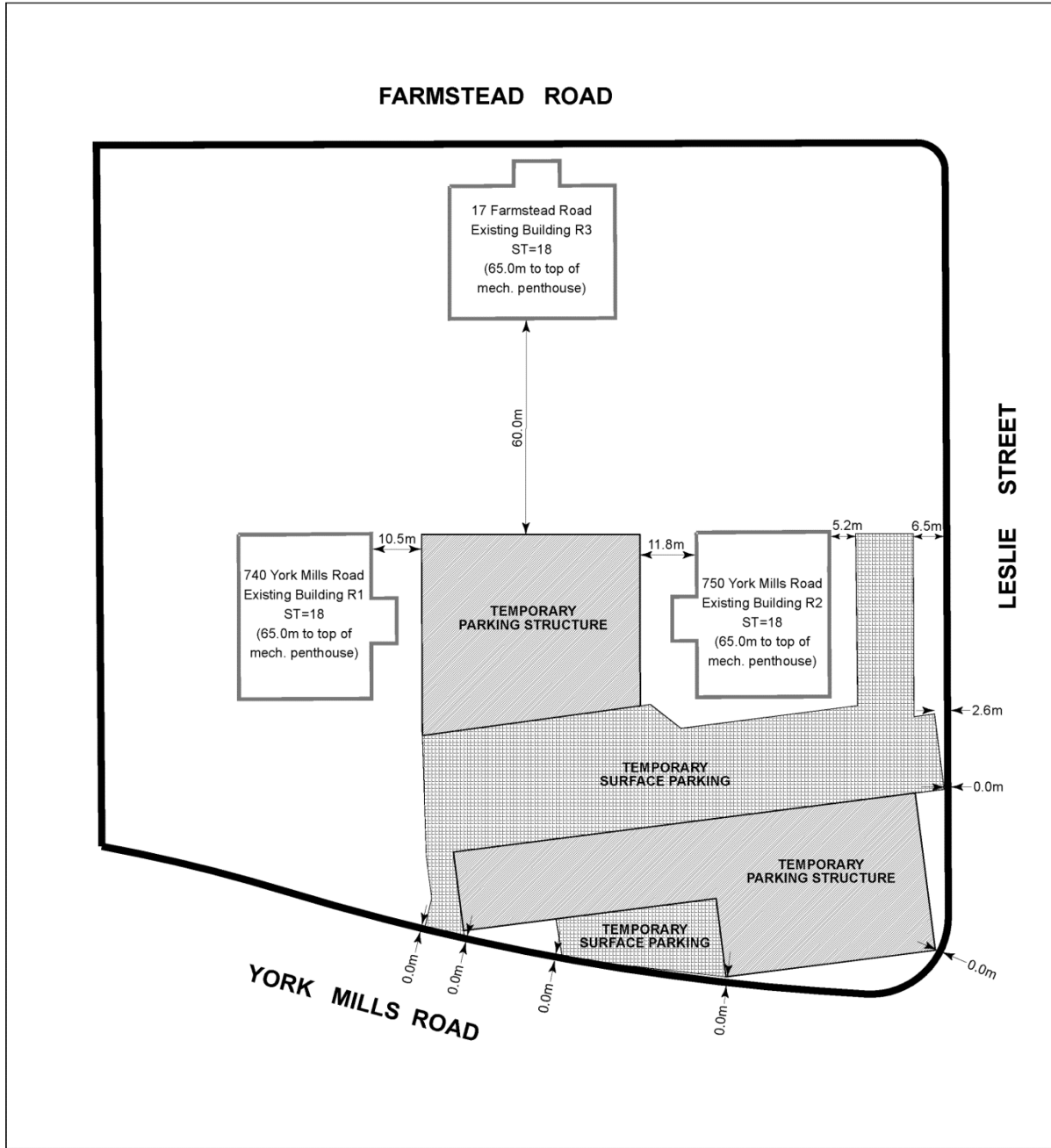
Schedule 2
Section 37 Provisions

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 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. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - a) prior to the issuance of the first above grade building permit the Owner shall provide a financial contribution in the amount of \$650,000 to be used towards park improvements for Mossgrove Park and Kirkwood Park;
 - b) the financial contribution referred to above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential -Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made; and
 - c) in the event the cash contribution referred to above has not been used for the intended purpose within three (3) years of these By-laws 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 local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
2. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - a) the Owner shall provide improvements to the outdoor pool area that will include at a minimum, upgrading the existing pool deck and surrounding area with durable finishings/materials and installing decorative fencing, or enclosing the entire pool area within a new amenity building on-site to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - b) the Owner shall provide and maintain a new recreational amenity building on-site of a minimum of 250 square metres adjacent to the existing outdoor pool area, and shall screen the garbage/loading area from the pool area. The design and materials of the recreational amenity building shall be secured through the site plan approval process, to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - c) the Owner shall provide detailed plans of the proposed new recreational amenity building with the uses and utility of the building to the satisfaction of the Chief Planner and Executive Director, City Planning;

- d) the Owner shall provide and maintain clearly defined routes and pedestrian connections from the existing rental buildings and new 192 stacked townhouse units to amenity areas, the public sidewalks and Mossgrove Park. The design, location and materials of the routes and pedestrian connections shall be secured through the site plan approval process, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- e) the Owner shall complete construction of all improvements to amenity areas listed above in accordance with the plans and/or drawings provided and approved through the site plan approval process and prior to receiving an occupancy permit of the new 192 stacked townhouse units. The Owner shall not pass through any of the construction costs to the tenants of the existing rental buildings, including in the form of an increase in rent above the provincial Guidelines established under the Residential Tenancies Act;
- f) the Owner shall maintain existing amenity space of 544 square metres in the three 18-storey apartment buildings at 740 York Mills Road, 750 York Mills Road and 17 Farmstead Road existing as of December 13, 2016, and shall provide reciprocal access for all residents of those buildings, excluding residents of the proposed new 192 stacked townhouse units, for the purpose of access and use of all indoor amenity areas within the existing three 18-storey apartment buildings at 740 York Mills Road, 750 York Mills Road and 17 Farmstead Road;
- g) the Owner shall provide reciprocal access to all residents located at 740 York Mills, 750 York Mills Road and 17 Farmstead Road, including residents of the proposed new 192 new stacked townhouse units, for the purposes of access and use to all outdoor amenity areas, including the outdoor pool, or potential future indoor and to the new recreational amenity building of a minimum of 250 square metres;
- h) the Owner shall maintain the rental apartment buildings at 740 and 750 York Mills Road and 17 Farmstead Road with 409 existing rental dwelling units existing as of December 13, 2016 as rental housing for a minimum period of twenty (20) years commencing from the date the by-laws come into effect, with no application for demolition without replacement, or for conversion to non-rental housing purposes during the twenty year period;
- i) prior to issuance of the first building permit, including excavation or demolition permits, the owner shall submit and implement a Construction Management Plan, and a Tenant and Neighbourhood Communication Strategy, to the satisfaction of the Executive Director, Engineering and Construction Services, in consultation with the Chief Planner and Executive Director, City Planning;
- j) the Owner shall provide public access over the proposed POPS area at the south end of the site (previously Block D), to the satisfaction of the Chief Planner and Executive Director, City Planning;

- k) the Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009;
- l) The Owner shall satisfy the requirements of a technical review of the proposed settlement offer by the City's commenting Divisions, Agencies, Boards and Commissions, to the satisfaction of the Chief Planner and Executive Director, City Planning; and
- m) The Owner shall satisfy all requirements from Parks, Forestry and Recreation as set out in their memorandum of December 9, 2016.



Schedule 3

Applicants Supplied Drawing

File # 13 198702 NNY 25 OZ

Date: 05/01/2019
Approved by: S. Gardiner

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Not to Scale