

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 672-2020(LPAT)**

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2018 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; and

Whereas the Official Plan for the City of Toronto contains such 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, authorize increases in the height 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 matter 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, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are secured by one or more agreements between the owner of the land and the City of Toronto; and

Whereas pursuant to Section 39 of the Planning Act, the Local Planning Appeal Tribunal may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law;

The Local Planning Appeal Tribunal orders:

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 to OR and RA f30.0; a1375; d.1.5 (x135), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by amending Article 900.7.10 Exception Number 135 so that it reads:

#### **Exception RA 135**

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 740-750 York Mills Road and 17 Farmstead Road, if the requirements of Section 7 and Schedule A of By-law 672-2020(LPAT) are complied with, **buildings, structures**, additions or enlargements are permitted in compliance with regulations (B) to (X) below;
- (B) The permitted maximum number of **dwelling units** is 601 units.
- (C) For purposes of this Exception, **established grade** is the Canadian Geodetic Datum elevation of 141.30 metres.
- (D) Despite regulations 15.5.40.10 (2), (3), (4) and (5) for Blocks A1, A2, B1 and B2 as shown on Diagram 3 of By-law 672-2020(LPAT), the following **building** elements and **structures** are permitted to project vertically above the permitted maximum height limits:
  - (i) Satellite dishes, ducts, ornamental elements, architectural elements, parapets, privacy screens, railings and structures on each roof level of the building used for safety or wind protection purposes, provided the vertical distance of any such projection does not exceed 3.0 metres; and
  - (ii) Equipment used for the functional operation of the building, such as electrical, utility, mechanical and ventilation equipment, structures or parts of the building used for the functional operation of the building, such as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts and enclosures, chimneys, vents and water supply facilities, provided the vertical distance of any such projection does not exceed 5.0 metres.
- (E) Despite regulation 15.5.40.40 (1) the permitted maximum **gross floor area** is 69,450 square metres.

- (F) Despite Clause 15.5.40.60, the following **structures**, and architectural elements or features of **buildings** may encroach into a required **building setback**:
- (i) External stairs and associated guardrails, balustrades and railings leading to a below grade garage to a maximum of 5.0 metres;
  - (ii) Stairs and associated guardrails, balustrades and railings leading to a dwelling unit to a maximum of 3.6 metres;
  - (iii) Decks, porches and privacy screens to a maximum of 1.75 metres;
  - (iv) Awnings and canopies to a maximum of 1.65 metres;
  - (v) Balconies to a maximum of 1.6 metres;
  - (vi) Cornices, lighting fixtures, ornamental and architectural elements, parapets, pillars, pergolas, trellises, window sills, eaves, planters, ventilation shafts, guardrails, balustrades, railings, doors, site servicing features, chimneys, vents, stacks, ducts, window washing equipment, from projecting a maximum of 0.75 metres; and
  - (vii) Underground garage ramps and associated features.
- (G) Despite (F) above, **ancillary structures**, underground **parking garages**, ramps leading to an underground **parking garage** and associated features must be set back a minimum of 3 metres from an Open Space - Recreation Zone (OR).
- (H) Despite regulation 15.5.50.10 (1) (a) a minimum of 10,000.0 square metres of the lands must be **landscaping**.
- (I) Despite regulation 15.10.30.40 (1) the permitted maximum **lot coverage** for all **buildings** and **structures** is 36 percent.
- (J) Despite regulation 15.10.40.10 (1) the permitted maximum height of a **building** may not exceed the number following "HT=" in metres and the number following "ST=" in storeys shown on Diagram 3 of By-law 672-2020(LPAT).
- (K) Despite Clause 15.10.40.70, the minimum required **building setbacks** are shown on Diagram 3 of By-law 672-2020(LPAT).
- (L) Entrances to **dwelling units** that are below-ground are not permitted for **dwelling units** facing Farmstead Road, Leslie Street and Mossgrove Park.
- (M) Window wells for **dwelling units** facing Farmstead Road, Leslie Street and Mossgrove Park may have:
- (i) a maximum width perpendicular from the **main wall** of the **dwelling unit** of 0.6 metres;

- (ii) a maximum depth of 0.6 metres; and
- (iii) a maximum length parallel to the **main wall** of the **dwelling unit** of 1.5 metres.
- (N) Despite regulation 15.10.40.80 (2), the required minimum distance between **buildings** is shown on Diagram 3 of By-law 672-2020(LPAT).
- (O) In addition to 544.0 square metres of indoor amenity area which existed as of December 13, 2016 within the existing rental **apartment buildings**, and despite Clause 15.10.40.50 a minimum of 1.3 square metres of indoor **amenity space** is required per **dwelling unit**, of which a minimum 250 square metres of indoor **amenity space** is required within a recreational amenity **building** or part of a **building** available for all residents of the **buildings** on the lands and may include change, shower, gym, food preparation and sanitary facilities, but no **dwelling units**, on Block C as shown on Diagram 3 of By-law 672-2020(LPAT).
- (P) Despite regulation 15.10.40.50 (1) a minimum of 5.6 square metres of outdoor **amenity space** is required per **dwelling unit**.
- (Q) A minimum of 3,100.0 square metres of the lands must be for privately owned publicly-accessible space shown on Diagram 3 of By-law 672-2020(LPAT).
- (R) Despite regulation 200.5.10.1(1), **parking spaces** must be provided in accordance with the following minimum requirements for Blocks A1, A2, B1 and B2 shown on Diagram 3 of By-law 672-2020(LPAT) as follows:
- |       |                                |   |
|-------|--------------------------------|---|
| (i)   | Studio <b>dwelling unit</b>    | 0.8 spaces per <b>dwelling unit</b> ;     |
| (ii)  | 1-Bedroom <b>dwelling unit</b> | 0.9 spaces per <b>dwelling unit</b> ;     |
| (iii) | 2-Bedroom <b>dwelling unit</b> | 1.0 spaces per <b>dwelling unit</b> ;     |
| (iv)  | 3-Bedroom <b>dwelling unit</b> | 1.2 spaces per <b>dwelling unit</b> ; and |
| (v)   | Visitor                        | 0.2 spaces per <b>dwelling unit</b> .     |
- (S) Despite regulation 200.5.10.1(1), **parking spaces** must be provided in accordance with the following minimum requirements for Buildings R1, R2 and R3 shown on Diagram 3 of By-law 672-2020(LPAT) as follows:
- |      |          |  |
|------|----------|--|
| (i)  | Resident | 0.95 spaces per <b>dwelling unit</b> ; and |
| (ii) | Visitor  | 0.15 spaces per <b>dwelling unit</b> .     |
- (T) Despite regulation 15.5.80.10 (2), a maximum of 44 surface **parking spaces** are permitted on the lands, including visitor **parking spaces**.

- (U) Despite regulation 220.5.10.1 (2), a minimum of one Type "G" **loading space** must be provided.
- (V) Despite regulation 230.5.10.1 (5), **bicycle parking spaces** must be provided in accordance with the following minimum requirements for Blocks A1, A2, B1 and B2 as shown on Diagram 3 of By-law 672-2020(LPAT) as follows:
  - (i) 0.68 long-term **bicycle parking spaces** per **dwelling unit**; and
  - (ii) 0.07 short-term **bicycle parking spaces** per **dwelling unit**.
- (W) Despite regulation 230.5.1.10 (4) (B), a **bicycle parking space** if placed in a vertical position on a wall, **structure** or mechanical device, must have a minimum width of 0.4 metres.
- (X) Despite regulation 230.5.1.10 (4) (A) or (B), the minimum width for a **stacked bicycle parking space** is 0.4 metres.

Prevailing By-laws and Prevailing Sections:

Former City of North York by-law 23088 within the rental apartment buildings existing as of December 13, 2016.

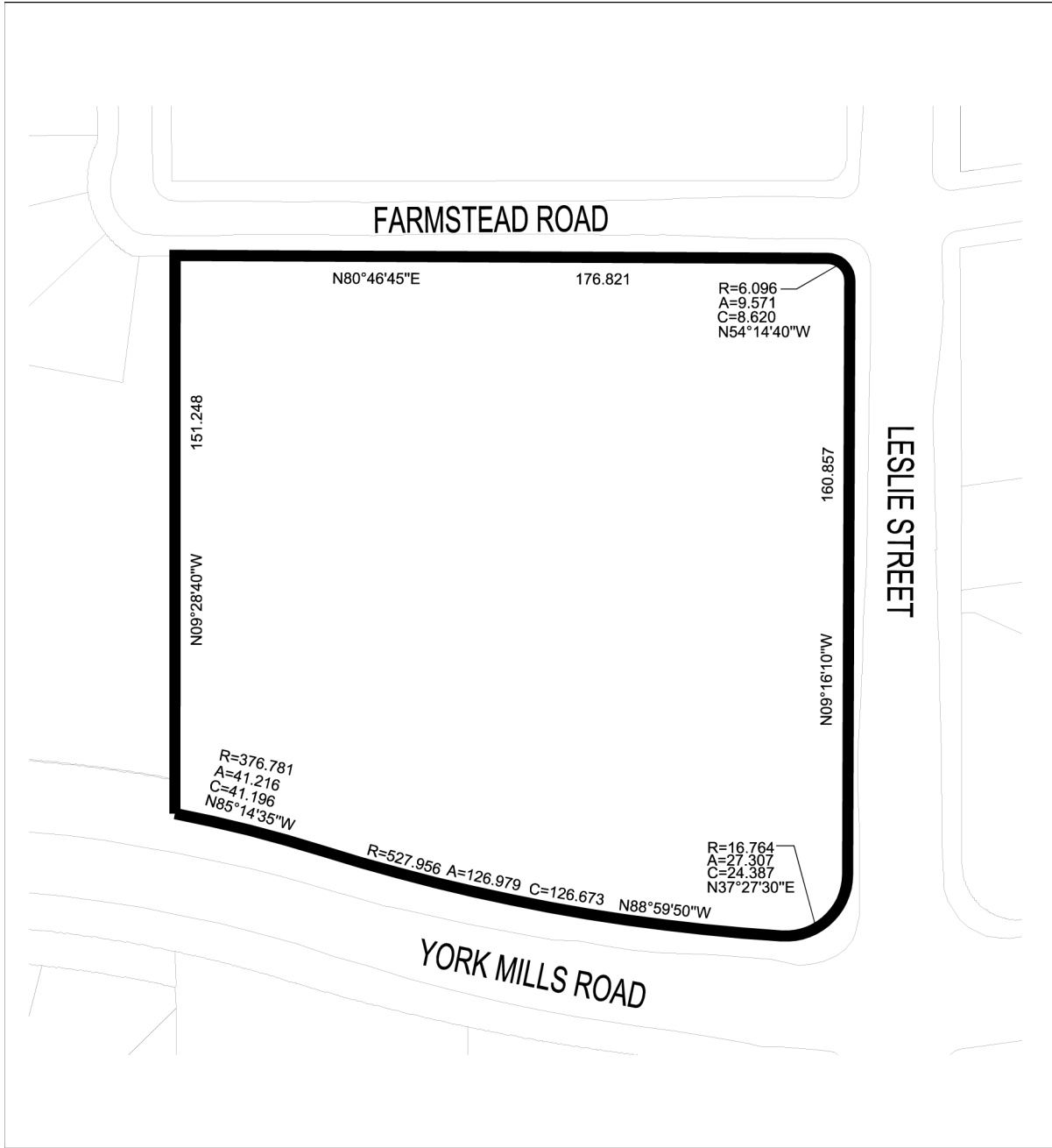
- 5. A temporary sales office is permitted for a period of three years from the date of enactment of this By-law as follows:
  - (A) A Temporary Sales Office means a temporary building, structure, facility or trailer on the lands used exclusively for the purpose of marketing or sale of **dwelling units** to be erected on the lands;
  - (B) the maximum permitted **gross floor area** is 150 square metres; and
  - (C) it is used exclusively for the purpose of marketing the rental of **dwelling units** in for Blocks A1, A2, B1 and B2 as shown on Diagram 3 of By-law 672-2020(LPAT).
- 6. A temporary parking structure and temporary surface parking is permitted for a period of two years after issuance of the first above grade building permit for a temporary parking structure that satisfies the requirements set out in Article 3 Permits of Chapter 363, Building Construction and Demolition, of the City of Toronto Municipal Code as follows:
  - (A) A Temporary Parking Structure means a temporary building, structure or part there-of on the lands used for the purpose of parking or storage of motor vehicles;
  - (B) 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;

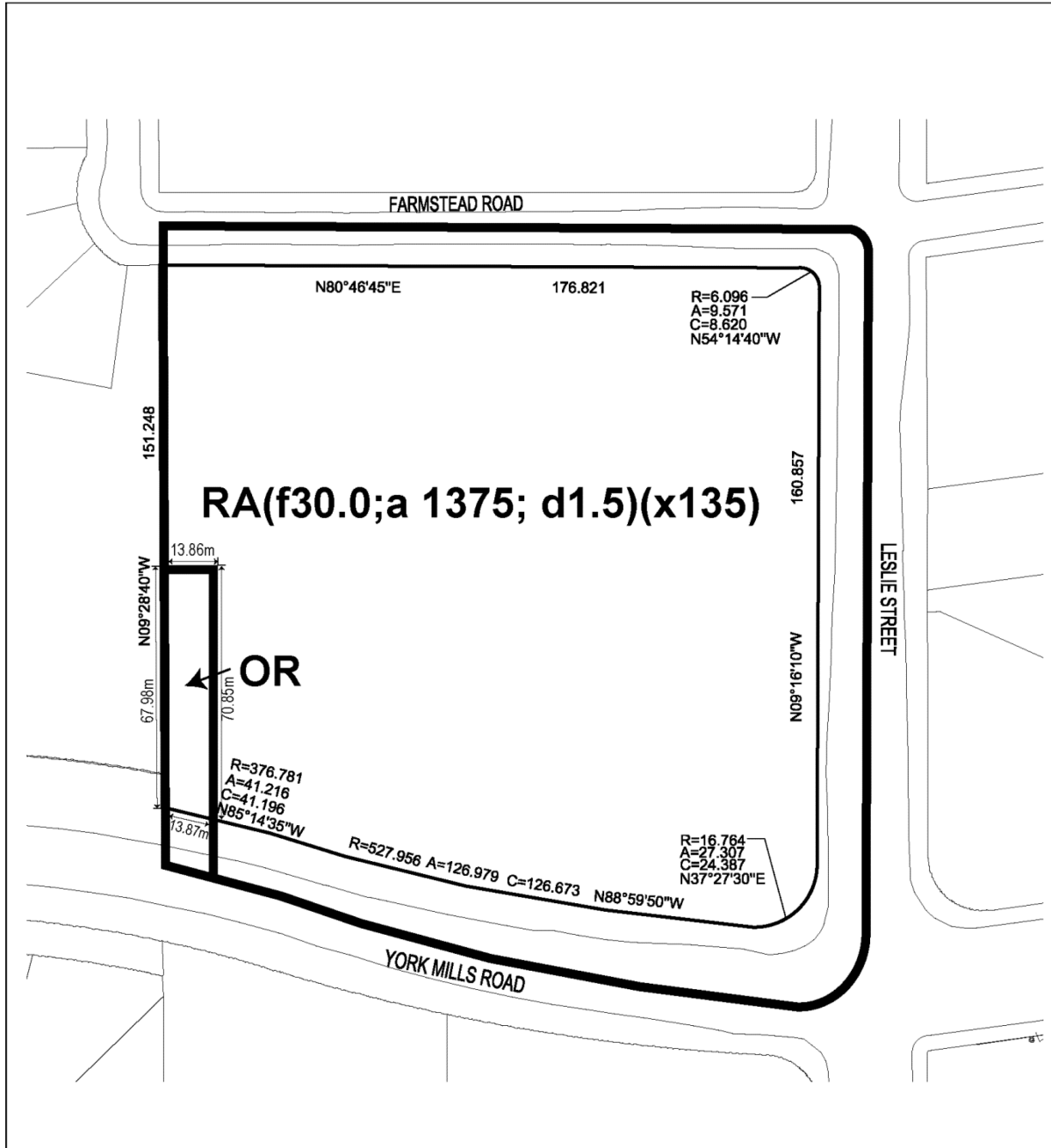
- (C) Temporary parking structures and temporary surface parking are located within the areas identified on Diagram 4 of By-law 672-2020(LPAT); and
- (D) The temporary parking structures consist of one elevated level of parking above ground with parking located on the ground beneath the elevated level.

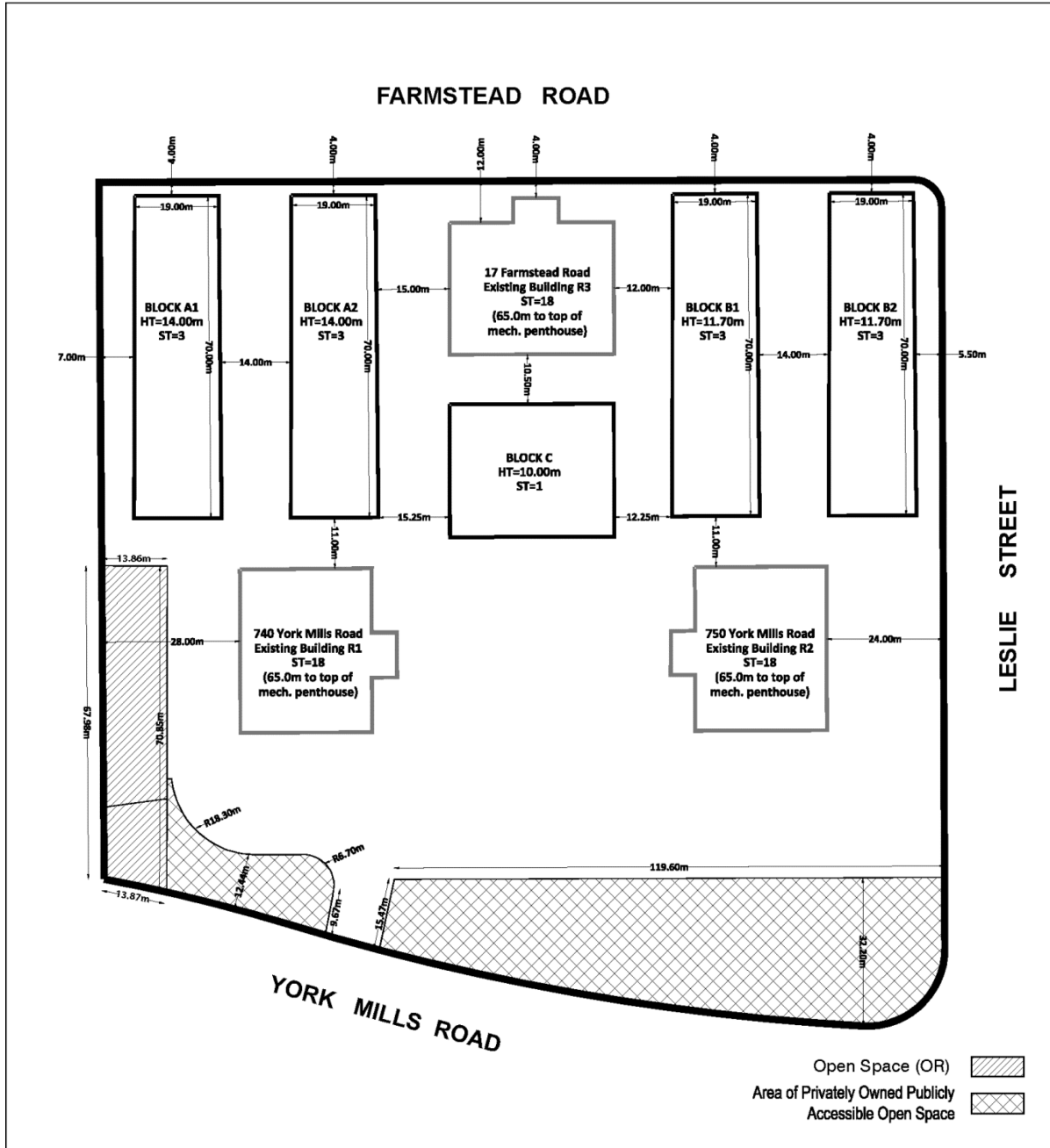
7. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in 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 density pursuant to this By-law unless all provisions of Schedule A are satisfied.

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.







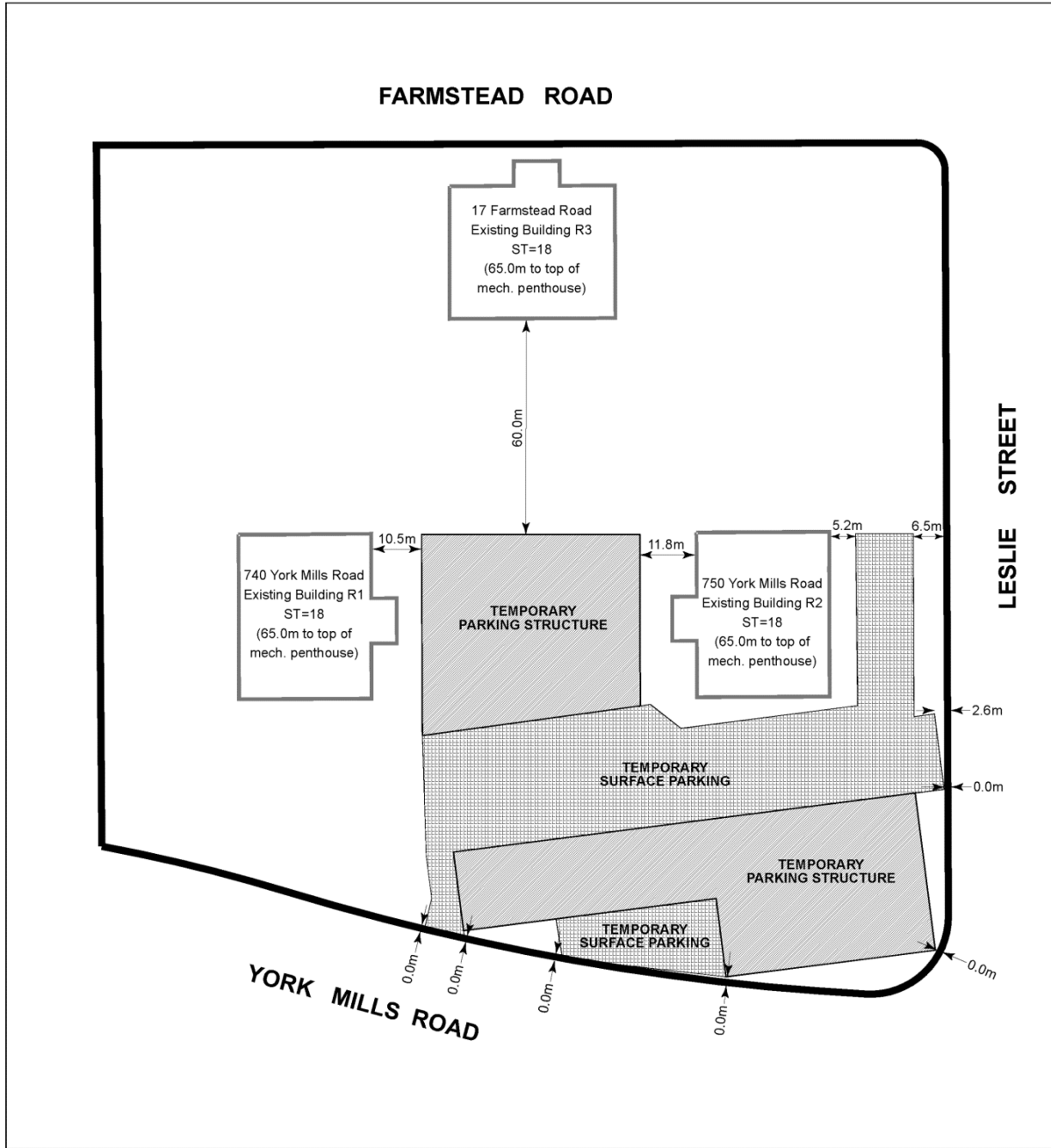


Diagram 4

Applicants Supplied Drawing

File # 13 198702 NNY 25 OZ

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

↑  
Not to Scale

## 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 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. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
  - (i) 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;
  - (ii) The financial contribution referred to in subsection 1(i) shall be indexed upwardly in accordance with the Statistics Canada Non-Residential or Apartment Building-Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
  - (iii) In the event the cash contribution referred to in Section 1(i) 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 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:
  - (i) 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, to the satisfaction of the Chief Planner and Executive Director, City Planning.
  - (ii) 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.
  - (iii) 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.

- (iv) 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.
- (v) 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.
- (vi) 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.
- (vii) The Owner shall maintain existing amenity space of 544 square metres in the existing 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.
- (viii) 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.
- (ix) 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.
- (x) 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.

- (xi) 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.
- (xii) 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.
- (xiii) 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.
- (xiv) The Owner shall satisfy all requirements from Parks, Forestry and Recreation as set out in their memorandum of December 9, 2016.