

Authority: Local Planning Appeal Tribunal
Decision issued October 30, 2018 and Order issued
September 25, 2020 in Tribunal File PL171059

CITY OF TORONTO

BY-LAW 977-2020(LPAT)

To amend former City of North York Zoning By-law 7625, as amended, with respect to the lands municipally known in the year 2019 as 470, 490 and 530 Wilson Avenue.

Whereas the Local Planning Appeal Tribunal held a public hearing on October 9, 2018 under Section 34 of the Planning Act; and

Whereas the Local Planning Appeal Tribunal Order issued on September 25, 2020 in the Tribunal File PL171059, approved amendments to the former City of North York Zoning By-law 7625, as amended, under Section 34 of the Planning Act; and

Whereas Subsection 37(3) of the Planning Act provides that, where an owner of land elects to provide facilities, services or 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 or matters as set out in the By-law and to enter into one or more agreements with the municipality to secure the facilities, services and matters; and

Whereas the increase in height or density permitted hereunder, beyond that otherwise permitted on the aforesaid lands in the former City of North York Zoning By-law 7625, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and is to be secured by one or more agreements between the owner of such lands and the City of Toronto;

The Local Planning Appeal Tribunal Orders:

1. Schedules "B" and "C" of By-law 7625 of the former City of North York are amended in accordance with Schedule 1, Schedule 2, Schedule 3 and Schedule 4 attached to this By-law.
2. Section 45 of By-law 7625 of the former City of North York is amended by adding the following subsection:

45 AV-MU(9)

DEFINITIONS

- (a) For the purpose of this exception the following definitions will apply:

- (i) "Lot" shall mean all of the lands outlined in bold lines on Schedule 1 of this by-law.
- (ii) "Building Height" shall mean the vertical distance between the Established Grade and roof slab exclusive of all accessory components such as but not limited to, mechanical penthouse, tower structures, cupolas, steeples, antennae, parapets, landscape open structures, ornamental structures and mechanical equipment.
- (iii) "Car-Share" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization.
- (iv) "Car-Share Parking Space" means a parking space that is exclusively reserved and actively used for car-sharing.
- (v) "Established Grade" for all buildings shall mean 186.9 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (pre-1978 Southern Ontario Adjustment).
- (vi) "Mechanical Floor Area" shall mean floor area within a building or structure used exclusively for the accommodation of mechanical or electrical equipment necessary to physically operate the building, such as heating, ventilation, air conditioning, electrical, plumbing, fire protection geothermal, and elevator equipment.
- (vii) "Recreational Amenity Area" shall mean an area that is communal and available to all occupants of a building or a group of buildings within a zone for social and recreational purposes including indoor or outdoor space, playgrounds, tennis courts, lawn bowling greens, indoor or outdoor swimming pools, exercise or entertainment rooms and other similar uses.
- (viii) "Type 'B'" loading space shall mean a loading space that is a minimum of 3.5 metres wide, a minimum of 11.0 metres long and has a minimum vertical clearance of 4.0 metres.
- (ix) "Type 'G' loading space" shall mean a loading space that is a minimum of 4.0 metres wide, a minimum of 13.0 metres long and has a minimum vertical clearance of 6.1 metres.
- (x) "Site" shall mean the lands zoned "AV-MU(9)" as shown on Schedule 1 attached to this By-law.

PERMITTED USES

- (b) All uses in the AV MU zone, except:
Outdoor Café in conjunction with a **Restaurant** or **Take-out Restaurant**;

USE QUALIFICATIONS

- (c) A **Restaurant** or **Take-Out Restaurant** shall not have a drive-through facility.
- (d) Restricted to the first storey of Non-residential uses shall be an Apartment House Dwelling.

EXCEPTION REGULATIONS**LOT AREA**

- (e) The minimum lot area shall be 10,000 square metres.

LOT COVERAGE

- (f) The maximum lot coverage shall be 56 percent.

YARD SETBACKS

- (g) The minimum yard setbacks for buildings and structures above Established Grade shall be as shown on Schedule 4.
- (h) The minimum yard setbacks for parking structures and structures associated thereto below Established Grade shall be as follows:
- (i) 0 metre to all property lines and easements.

PERMITTED PROJECTIONS INTO MINIMUM YARD SETBACKS

- (i) Notwithstanding the provisions of Section 6(9) (Permitted Projections Into Minimum Yard Setbacks), balconies and canopies may be permitted to project into minimum yard setbacks and from all building elements shown on Schedule 4 by a maximum of 2.0 metres.
- (j) Canopies at main residential entrances shall be permitted to project into required yard setback areas a distance of up to 3.0 metres.
- (k) Exit stairs to a below grade garage, stair enclosures, garage vent shafts and transformer vaults are permitted to project beyond building walls as shown on Schedule 4, into the minimum yard setbacks except above grade in the minimum yard setbacks along Faywood Boulevard and Wilson Avenue.
- (l) The minimum separation between buildings shall be as shown on Schedule 4.

GROSS FLOOR AREA

- (m) The maximum gross floor area for all uses on lands zoned as "AV-MU(9)" shall be 45,465 square metres, with a minimum of 1,350 square metres of non-residential uses.

DENSITY

- (n) The maximum floor space index shall be 4.53.

BUILDING HEIGHT

- (o) The maximum number of storeys of any portion of a building or structure shall not exceed the number of storeys shown for that portion of the building on Schedule "3" as shown by the number after the "ST" on Schedule 2.
- (p) The maximum Building Height of any portion of a building or structure shall not exceed the height measured in metres from established grade for that portion of the building as shown by the number after the "H" on Schedule 3.
- (q) Parapets, stair enclosures and railings shall be permitted to project 1.2 metres above the maximum Building Height provided that the height regulations applicable to Schedule D - Airport Hazard Map have been complied with.
- (r) All buildings and structures shall maintain a 45 degree angular plane from the north lot line taken 7.5 metres from the north side of the public lane then from a vertical height of 10.5 metres beyond which no building or structure shall be permitted except for those permitted projections identified in Section 6(9) of By-law 7625 and clause (q) of this by-law to a maximum of 1.5 metres.
- (s) All buildings and structures shall maintain a 45 degree angular plane from the south lot line taken at the property line from a vertical height of eighty percent (80 percent) of the planned right-of-way width beyond which no building or structure shall be permitted except for those permitted projections identified in Section 6(9) of By-law 7625 and clause (q) of this by-law to a maximum of 1.5m.

RESIDENTIAL RECREATIONAL AMENITY AREA

- (t) A minimum of 2.0 square metres per apartment house dwelling unit of indoor residential recreational amenity area shall be provided.
- (u) A minimum of 2.0 square metres per apartment house dwelling unit of outdoor residential recreational amenity area shall be provided.
- (v) Outdoor Residential **Recreational Amenity Areas** may be located on roof top terraces or at grade.

PARKING REQUIREMENTS

- (w) All required residential parking spaces for the "AV-MU(9)" zone shall be provided within the "Site".
- (x) Notwithstanding Section 6A(2)(Parking Requirements) of By-law 7625, the minimum number of parking spaces shall be calculated in accordance with the following:
 - (i) Affordable Housing Dwelling Units – 0.5 spaces per unit;
 - (ii) Apartment House Dwelling Units – 0.64 spaces per unit;
 - (iii) Residential Visitor – 0.08 spaces per unit;
 - (iv) Live-Work Units – 0.64 spaces per unit;
 - (v) Non-residential uses (Retail) – 1.0 spaces per 100 m² of GFA; and
 - (vi) Non-residential uses (Office) – 1.0 spaces per 100 m² of GFA.
- (y) Accessible Parking Spaces – Parking Rates: Accessible parking spaces are to be provided as follows: A minimum of 5 parking spaces plus 1 parking space for every 50 parking spaces or part thereof in excess of 100 parking spaces.

SIZE OF PARKING SPACES

- (z) A parking space shall have the following minimum dimensions:
 - (i) The minimum dimensions of a parking space, accessed by a one-way or two-way drive aisle having a width of 6.0 metres or more measured at the entrance to the parking space shall be:
 - (A) 5.6 metres in length;
 - (B) 2.6 metres in width; and
 - (C) 2.0 metres in vertical clearance;except that the minimum required width of a parking space shall be increased by 0.3 metres for each side of the parking space that is obstructed in accordance with paragraph (iii) below;
 - (ii) The minimum dimensions of a parking space, accessed by a one-way or two-way drive aisle having a width of less than 6.0 metres measured at the entrance to the parking space, shall be:
 - (A) 5.6 metres in length;

- (B) 3.0 metres in width; and
- (C) 2.0 metres vertical clearance;

except that the minimum required width of a parking space shall be increased by 0.3 metres when one or both sides of the parking space is obstructed in accordance with paragraph (iii) below;

- (iii) For the purposes of this definition, the side of a parking space is obstructed when any part of a fixed object such as, but not limited to, a wall, column, bollard, fence or pipe is situated:
 - (A) within 0.3 metres of the side of the parking space, measured at right angles; and
 - (B) more than 1.0 metres from the front or rear of the parking space.
- (aa) Accessible Parking Space Dimensions: An accessible parking space must have the following minimum dimensions:
 - (A) length of 5.6 metres;
 - (B) width of 3.4 metres; and
 - (C) vertical clearance of 2.1 metres.
- (bb) Accessible Parking – Barrier Free Aisle: The entire length of an accessible parking space must be adjacent to a 1.5 metre wide accessible barrier free aisle or path.

BICYCLE PARKING

- (cc) Bicycle parking spaces shall be provided at the following minimum rates:
 - (i) Residential including Live-Work Units:
 - (A) 0.9 long-term bicycle parking spaces per dwelling unit; and
 - (B) 0.1 short-term/visitor bicycle parking spaces per dwelling unit.
 - (ii) Non-Residential:
 - (A) 3 short-term bicycle parking spaces plus 0.25 short-term bicycle parking spaces per 100 square metres of non-residential gross floor area; and
 - (B) 0.13 long-term bicycle parking spaces per 100 square metres of non-residential gross floor area.

LOADING SPACE REQUIREMENTS

- (dd) None of the provisions of Section 6A(16) (Loading Requirements) of By-law 7625 shall apply to the lands shown on Schedule 1.
- (ee) A minimum of one Type 'G' and two Type 'B' loading spaces shall be provided on the lands shown on Schedule 1.

LANDSCAPING

- (ff) A minimum 3.0 metre wide landscape area shall be provided along the full length of a rear property line that abuts an "R" or "RM" zone.

OTHER PROVISIONS

- (gg) The main entrance to each building or unit shall, if the entrance faces an existing or future planned public right-of-way, be at an elevation no greater than 0.8 metres above or below the grade of the existing or future planned public right-of-way at the property line.
- (hh) The following provisions from By-law 7625 shall not apply to the subject lands: 45.2.2, 45.5, 45.6, 45.7(iv) and (v), 45.8 and 45.10.

SITE SPECIFIC PROVISIONS – OPEN SPACE

- (ii) The lands identified on Schedule 1 to be rezoned to O1 shall be used only for public park purposes.

SECTION 37 AGREEMENT

- (jj) Pursuant to Section 37 of the Planning Act and subject to compliance with this By-law, the increase in height and density of development contemplated herein, beyond that otherwise permitted in By-law 7625, is permitted in return for the provision by the owner, at the owner's expense, of certain facilities, services and matters set out in Schedule A hereof, subject to and in accordance with an agreement pursuant to Section 37 (3) of the Planning Act securing the following facilities, services and matters set out in Schedule A hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the Planning Act that is in a form and registered on title to the site to the satisfaction of the City Solicitor.
- (kk) Where Schedule A of the 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.

LAND DIVISION

- (ll) Notwithstanding any existing or future severance, partition, land dedication or division of the site, the regulations of this exception shall continue to apply to the whole of the site as if no severance, partition or division had occurred.

OTHER PROVISIONS

- (mm) 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.
- (nn) Except as provided herein, By-law 7625 of the former City of North York shall continue to apply.

Local Planning Appeal Tribunal Decision issued October 30, 2018 and Order issued September 25, 2020 in Tribunal File PL171059.

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 in the 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 the issuance of the first Building Permit for the Development, the Owner shall make a cash contribution to the City in the amount of nine hundred and fifty thousand dollars (\$950,000 CAD), subject to Upwards Indexing, to be allocated towards parkland improvements, recreational facilities, and public realm improvements in the vicinity of the lands, to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the .Ward Councillor.
2. Prior to the issuance of the first Above-Grade Building Permit for the Development, the Owner shall make an additional cash contribution to the City in the amount of nine hundred and fifty thousand dollars (\$950,000 CAD), subject to Upwards Indexing, to be allocated towards parkland improvements, recreational facilities, and public realm improvements in the vicinity of the lands, to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor.
3. In the event any portion of the funds referred to in Sections i. and ii. has not been spent within three (3) years of the date the Section 37 Agreement is executed, such funds may be reallocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.

PUBLIC PARK

4. Convey the 973 m² (0.0973 ha) portion of the development site set out in Schedule 1 for public parkland purposes (the "**Park**"), to the satisfaction of Parks, Forestry and Recreation, pursuant to Section 42 of the Planning Act.

RENTAL HOUSING

5. The owner shall provide and maintain one-hundred and ten (110) replacement rental dwelling units on the subject site for a period of at least twenty (20) years, beginning from the date that each replacement rental dwelling unit is first occupied and, during which time, no application shall be submitted to the City for condominium registration, or for any other conversion to a non-rental housing purpose, or for demolition, without providing for replacement. The one-hundred and ten (110) replacement rental dwelling units shall be comprised of twenty (20) bachelor units, sixty (60) one-bedroom units and thirty (30) two-bedroom units as shown on the June 30, 2020 Floor Plans submitted to the City Planning Division. Any revisions to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.
6. The shall, as part of the one-hundred and ten (110) replacement rental dwelling units required above, provide at least twenty (20) bachelor, fifty-four (54) one-bedroom, and

twenty-nine (29) two-bedroom replacement rental dwelling units at affordable rents, as defined in the City's Official Plan, and six (6) one-bedroom and one (1) two-bedroom replacement rental dwelling units at mid-range rents, as defined in the City's Official Plan, all for a period of at least ten (10) years, beginning from the date of first occupancy.

7. The owner shall provide and maintain an additional fifty (50) rental dwelling units at unrestricted rents on the subject site for a period of at least ten (10) years beginning from the date that each such additional rental dwelling unit is first occupied and as shown on the June 30, 2020 Floor Plans submitted to the City Planning Division. Any revisions to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.
8. The owner shall provide tenants of the replacement rental dwelling units with access to all indoor and outdoor amenities in the proposed replacement rental building at no extra charge. Access and use of these amenities shall be on the same terms and conditions as any other building resident without the need to pre-book or pay a fee, unless specifically required as customary practices for private bookings.
9. The owner shall provide ensuite laundry facilities in each replacement rental dwelling unit, at no additional cost to the tenants.
10. The owner shall provide at least thirty-eight (38) rental vehicle parking spaces to tenants of the replacement rental dwelling units, first made available to returning tenants who previously used a vehicle parking space, secondly to returning tenants who did not previously use a vehicle parking space, and thirdly to new tenants occupying one of the replacement rental dwelling units.
11. The owner shall provide each of the one-hundred and ten (110) replacement rental dwelling units with a balcony or terrace.
12. The owner shall provide tenants of the one-hundred and ten (110) replacement rental dwelling units and the additional fifty (50) rental units with access to all bicycle parking and visitor parking on the same terms and conditions as any other resident of the building.
13. The owner shall provide tenant relocation and assistance to all eligible tenants occupying the one hundred and ten (110) existing rental dwelling units proposed to be demolished, including the right to return to a replacement rental dwelling unit, all to the satisfaction of the Chief Planner and Executive Director, City Planning.

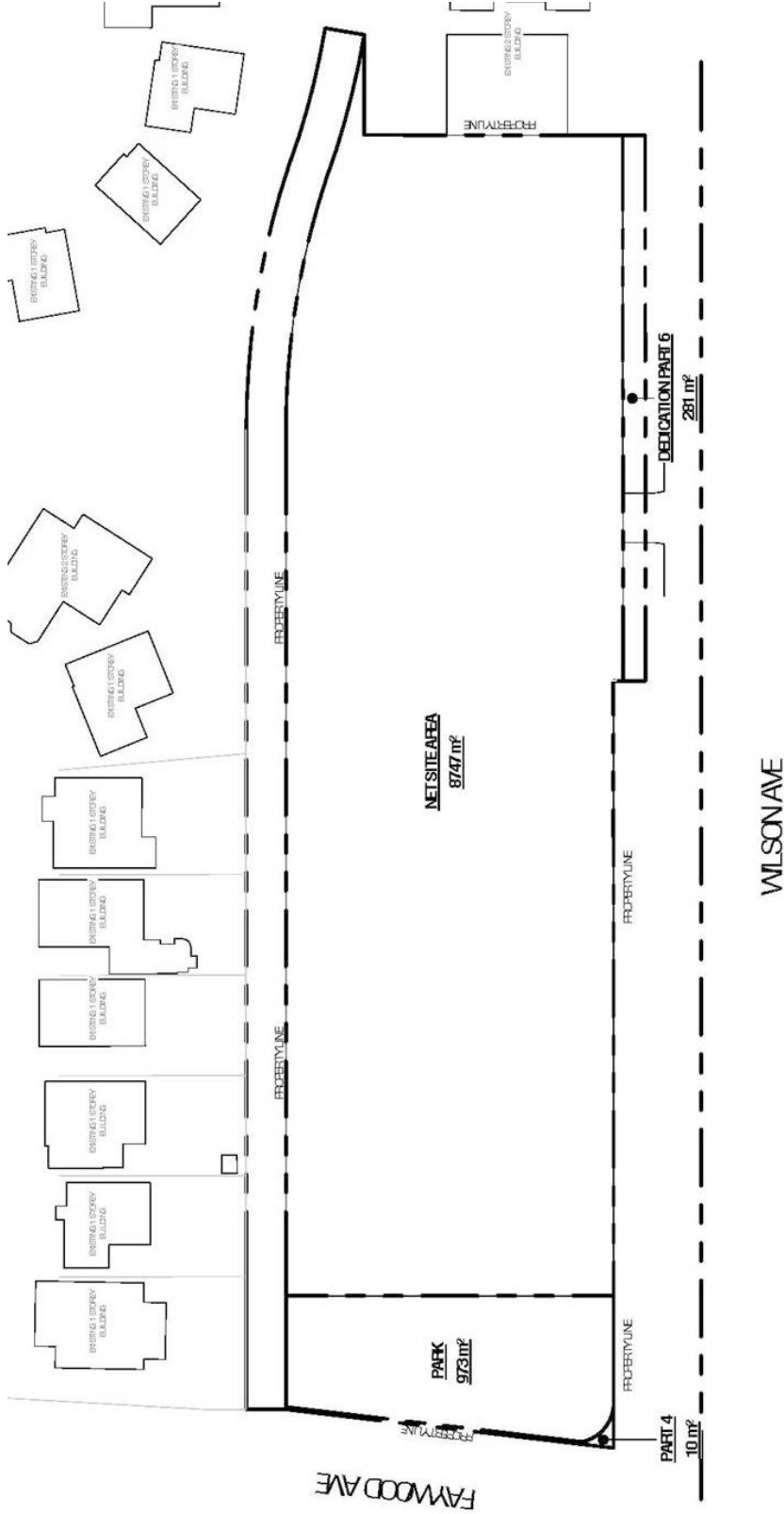
UNIT MIX REQUIREMENT

14. The Owner covenants and agrees to construct a minimum of ten (10) percent of all new dwelling units that are not replacement rental units as three-bedroom units.

TRANSPORTATION DEMAND MANAGEMENT

15. Prior to the issuance of the first Above-Grade Building Permit for the Development, the Owner shall make a cash contribution to the City in the amount of fifty Thousand Dollars (\$50,000 CAD) to be allocated toward supporting the City's bicycle sharing program.
16. The amount of the cash contribution in item 15 shall be subject to being indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or successor, calculated from the date of execution of the Section 37 Agreement to the date of payment of the funds by the owner to the City.
17. As part of a Site Plan Application for the Development, the Owner shall submit plans and drawings, to the satisfaction of the Chief Planner, to provide the following transportation demand measures:
 - a. one (1) vehicle parking space located at-grade to be available on a shared use basis as a pick-up/drop-off, delivery, ride share and taxi user area;
 - b. one (1) publicly accessible parking space constructed and installed with electrical vehicle supply equipment, including installation of initial infrastructure;
 - c. additional Bicycle Parking Spaces, as per the Tier 2 Toronto Green Standard and above the minimum by-law requirements, with the number of spaces to be determined in consultation with Transportation Planning staff, to be weather-protected (being covered or otherwise sheltered) and located near main entrances to the lands and publicly accessible by transit users;
 - d. placement of additional Bicycle Parking Spaces beyond what is required in subsection (c) between street trees along the Wilson Avenue site frontage to implement street/multimodal infrastructure improvements;
 - e. two (2) bicycle repair stands on the lands, with one repair stand located at-grade and publicly accessible and one repair stand located inside the parking garage for the Development;
 - f. parking spaces installed with electrical vehicle supply equipment, as per the Tier 2 Toronto Green Standard, with the number of spaces to be determined in consultation with Transportation Planning staff;
 - g. (1) publicly accessible electrical charging facility for e-bikes, scooters and/or other personal mobility devices;
 - h. one (1) digital display facility in a publicly accessible or visible location (retail or park edges) on the lands to provide real-time area transportation service status, alerts, locations, distances and access information shown in the display; and

- i. installation of smart parking management practice technology to indicate occupancy or booking of parking spaces located in on-site parking facilities.
18. The Owner shall unbundle vehicle parking spaces that are provided in on-site parking facilities from the sales of new dwelling units in Building A.
19. The Owner agrees to provide a transportation information package, drafted in consultation with Transportation Planning staff, to any new resident or tenant of a 0 unit at the time of purchase or rental of any new dwelling units.
20. The specific location, configuration, and design of the transportation demand measures listed in item 17 shall be determined in the context of the Site Plan Application process, pursuant to Section 114 of the *City of Toronto Act, 2006*, as amended, and as applicable, Section 41 of the Planning Act, as amended, and secured in the Site Plan Agreement for the lands.



Schedule 1

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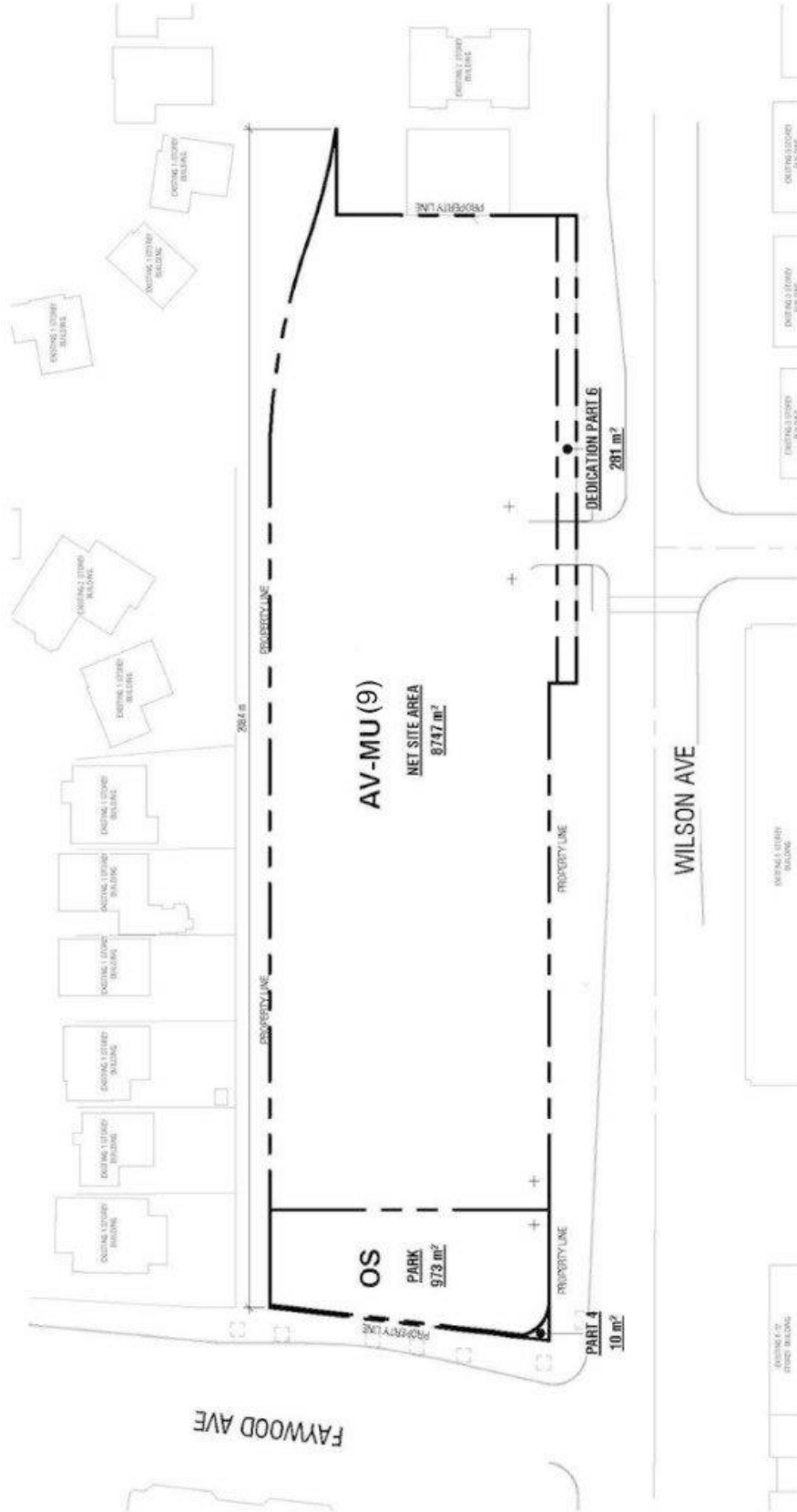
Applicant's Submitted Drawing

Date: 10/28/2019

Approved by: C.F.



Not to Scale



Schedule 2

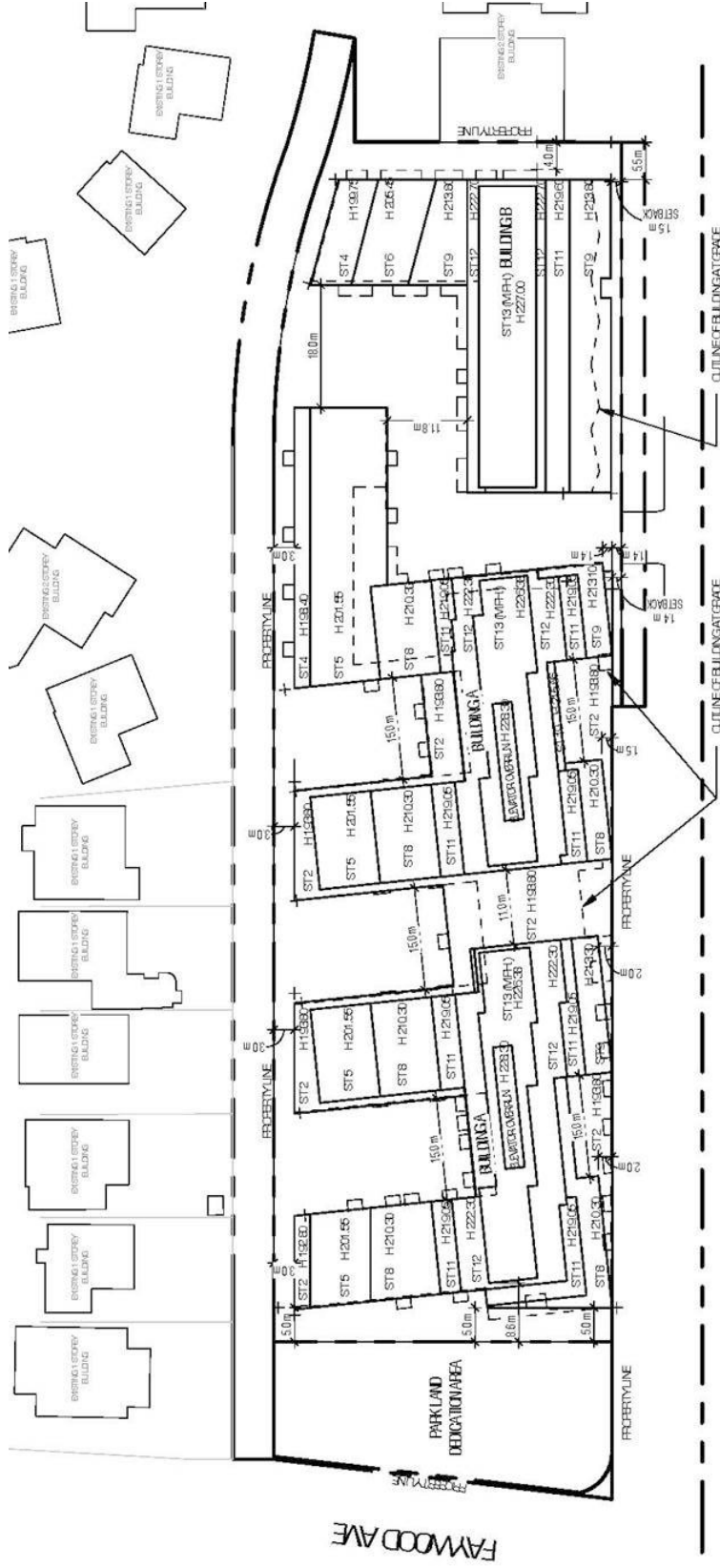
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Applicant's Submitted Drawing

Date: 10/28/2019
 Approved by: C.F.



Not to Scale



ESTABLISHED GRADE 186.9



Schedule 3

Applicant's Submitted Drawing

Date: 10/28/2019
Approved by:



Not to Scale

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